

CA4 ON HBL A05

C51P4

Jan 11/89 - Mar 1/89

URBAN/MUNICIPAL

AGENDAS/MINUTES OF THE
PLANNING AND DEVELOPMENT
COMMITTEE OF COUNCIL

CAY ON HBL A05
C51P4

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CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1988 January 5

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1989 January 11th
2:00 o'clock p.m.
Room 233, City Hall


Susan K. Reeder
Secretary

SKR:wmr

NOTE: The Zoning Applications will be heard in the Council Chambers.

A G E N D A

1. Minutes of the meeting held Wednesday, 1988 November 30th.

BUILDING COMMISSIONER

2. Demolition Permit Applications

DIRECTOR OF COMMUNITY DEVELOPMENT

3. Grant for the Handicapped.
4. Revised Composition of the Board of Director's of the Municipal Non-Profit (Hamilton) Housing Corporation.

DIRECTOR OF PROPERTY

5. Release of Building Covenants - 1172 Rymal Road East - Tuite Construction Limited

ALDERMAN J. SMITH

6. Skating Rink - Jackson Square

APPOINTMENTS

7. Beach Implementation and Beach Advisory Committees - Three members of Council

ALDERMAN D. AGOSTINO

8. Garbage Chutes, Apartment Buildings
(a) Report - Building Department

DIRECTOR OF LOCAL PLANNING

9. Application for extension of draft approval, S. Weisz Construction, owners, Wisemount Forest Survey
10. Site Plan Control Application DA-88-65 for property at 236 Pritchard Road, Hannon North Neighbourhood. (REPORT TO FOLLOW).
11. City of Hamilton Mayor's Awards.

ZONING APPLICATIONS

3:00 O'CLOCK P.M.

COUNCIL CHAMBERS

3:00 O'CLOCK P.M.

12. Zoning Application 88-32 for property at 19 Rymal Road East, Ryckmans Neighbourhood.
13. Zoning Application 88-68 for property at 158 Dundurn Street North, Strathcona Neighbourhood.

3:00 O'CLOCK P.M.

14. Zoning Application 88-93, for property at 101 Folkstone Avenue,
Lawfield Neighbourhood.

(a) Letter of submission - Mr. and Mrs. MacNair, 6 Lesterwood Street

3:15 O'CLOCK P.M.

15. Zoning Application 88-95, for property at 31 Lake Avenue North,
Riverdale East Neighbourhood.


16. Zoning Application 88-103, for property at the south-west corner of
Centennial Parkway North and Goderich Road, Nashdale Neighbourhood.

3:30 O'CLOCK P.M.

17. Subdivision Grading.

18. Other Business

19. Adjournment



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Wednesday, 1988 November 30
2:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Ross, Chairman
Alderman D. Ross, Vice-Chairman
Mayor Robert M. Morrow
Alderman D. Christopherson
Alderman B. Hinkley
Alderman W. McCulloch
Alderman H. Merling
Alderman D. Agostino

Regrets: Alderman T. Cooke

Also Present: Alderman G. Copps
Mr. V. Abraham, Director of Local Planning
Mr. P. Lampman, Building Department
Mr. M. Watson, Real Estate Department
Mr. K. Brenner, Regional Engineering
Mr. J. Robinson, Community Development
Mr. B. Janssen, Manager, Municipal Non-Profit Housing
Mrs. Nina Chapple, LACAC, Planning Department
Ms. J. McNeilly, Community Development
Mr. J. Zipay, Planning Department
Mr. R. Karl, Traffic Department
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of minutes of their meetings held Wednesday, 1988 October 26 and Wednesday, 1988 November 2 and approved these minutes.

The Committee was in receipt of a report from the Building Commissioner dated 1988 November 23 respecting demolition permit applications.

The Committee approved the following:

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following properties: -

- (a) 1556 Upper Gage Avenue
- (b) 956 Rymal Road East
- (c) 1415 Upper Gage Avenue
- (d) 411 Sherman Avenue North
- (e) 138 Stapleton Avenue

Minutes -
1988 October 26
1988 November 2

Demolition Permit
Applications

Supply, delivery,
installation supervision
of Clock Tower, Jarvis
Street Square

The Committee was in receipt of a report from the Manager of Purchasing dated 1988, November 4 respecting the supply, delivery and installation supervision of Clock Tower, Jarvis Street Square.

Mr. Bruce Corban, Moorehead Fleming Corban and Partners spoke to the Committee on the clock tower concept. Mr. Wasserman, member of the International Village B.I.A. spoke to the Committee and indicated that the B.I.A., is in support of the clock.

The Committee then approved the following recommendation:

That a purchase order be issued to The I.T. Verdin Company, Thornhill, in the amount of \$149,968 plus 8% Provincial Sales Tax, for the supply, delivery and installation supervision of Clock Tower, Jarvis Street Square in accordance with specifications issued by Moorehead Fleming Corban & Partners and Vendor's tender.

NOTE: Lowest of three (3) tenders received. Funds provided in Downtown Hamilton Action Plan, Phase IV, Jarvis Street Square Clock Tower Account #04075-A94015.

City of Hamilton
Handicapped Program -
Installation of Chair
Lift, Wentworth Street
School Site

The Committee was in receipt of a report from the Director of Community Development dated 1988 November 24 respecting City of Hamilton Handicapped Program - Installation of Chair Lift for the Wentworth Street School Site.

The Committee approved the following:

That a grant in the amount of Eighteen Thousand and Fifty Four Dollars (\$18,054.00) be provided by the City of Hamilton to the Municipal Non-Profit (Hamilton) Housing Corporation for the installation of a chairlift for the Wentworth Street School Site.

Note: The cost of this grant will be financed from the City of Hamilton's Handicapped Program Account No. 7107.

Secretary's Note: On Saturday evening, 1988 December 3, a fire occurred at Wentworth Street School Site and the building was destroyed.

Tour of Duke - Bold
Apartments re:
Provincial Low-Rise
Rehabilitation Programme

The Committee was in receipt of an information report from the Director of Community Development dated 1988 November 23 respecting a tour of Duke - Bold Apartments with respect to the Provincial Low-Rise Rehabilitation Programme. Mr. John Robinson of the Community Development Department spoke to the Committee and asked for approval to invite all members of City Council to attend this tour. The Committee directed that this invitation should be extended.

Parking Agreement -
255 West Avenue North
(West Avenue School)

The Committee was in receipt of a report from the Director of Property dated 1988, November 7 respecting a parking agreement at 255 West Avenue North (West Avenue School).

The Committee approved the following:

That the Director of Property be given authority, on behalf of the Corporation of the City of Hamilton, to enter into parking permit agreements with the area residents surrounding West Avenue School.

NOTE: The permit fee will be \$20.00 annually and credited to Account #0306-0513. The number of permits not to exceed 20.

The Committee was in receipt of a report from the Director of Property dated 1988, November 16 respecting a purchase by the City of property at 393 Sherman Avenue North.

Purchase by City -
393 Sherman Avenue North

The Committee approved the following:

That an Option to Purchase the property at 393 Sherman Avenue North, by the City of Hamilton duly executed by Cinoke Investments Limited (Norm Plummer, President) on 1988 October 27, and scheduled to close on or before 1989 February 8, BE COMPLETED.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 6.705 metres (22 feet) by a depth of 27.43 metres (90 feet) comprising an approximate area of 183.94 square metres (1,980 square feet) with structures erected thereon. The purchase price of \$50,500.00 and all costs and associated expenses, including tenant moving allowances, to be charged to account #0408-W75266. Demolition is to take place upon closing.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1988 November 8 respecting Continued Funding for Heritage Canada Programs.

Continued Funding for
Heritage Canada Programme

The Committee approved the following:

That City Council send a letter to the Right Honourable Brian Mulroney, Prime Minister of Canada, with copies to the Hamilton Area Members of Parliament, requesting that the Federal Government provide funding for the continuation of Heritage Canada's Main Street Program and for the development of new programs which encourage downtown revitalization, heritage conservation and heritage tourism.

NOTE: Funding for Main Street Canada, a program of Ontario Heritage Foundation "dedicated to both the economic and architectural revival of downtown Canada" is scheduled to terminate in 1991. By that time, over 70 communities across the country will have benefited from this program.

Heritage Canada is asking for support from all municipalities which have participated in the Main Street Program, both for its continuation and for new initiatives such as the two proposed: (Regional Heritage Tourism and the Canadian Centre for Livable Places). The Ottawa Street B.I.A. joined the Main Street Canada Program in 1987.

Designation - La Salle
Park Pavilion, Burlington

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1988 November 8 respecting Designation of La Salle Park Pavilion, Burlington.

The Committee approved the following:

- (a) That the City of Hamilton, as the owner of La Salle Park, located on North Shore Boulevard, Burlington, request the City of Burlington to designate the building known as the La Salle Park Pavilion, under Part IV of the Ontario Heritage Act; and
- (b) That the City Solicitor and City Clerk be authorized and directed to take appropriate action to implement this request.

NOTE: Because the building is located within the City of Burlington, the designation procedure is the responsibility of the Burlington City Council.

Proposed Draft Plan of
Subdivision "South Hill"

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 November 2 respecting proposed draft plan of subdivision "South Hill".

The Committee approved the following:

- (a) That the Proposed Draft Plan of Subdivision "South Hill" not received final draft approval before an appropriate amendment to the Hamilton Official Plan is approved by Hamilton-Wentworth Regional Council.
- (b) That APPROVAL be given to Subdivision Application SA-88-13, Wardpark Developments Ltd., owner, to establish a draft plan of subdivision south of Rymal Road and west of Christie Street, subject to the following conditions:
 - (i) That this approval apply to the plan prepared by Ashenhurst Nouwens Limited, dated 1988 May 18, revised to show 69 lots, 2 blocks (Blocks "70" and "71") as 0.3m reserves and a 2.0m x 2.0m daylight triangle.

- (ii) That the plan not receive final approval before a road access is established to this plan of subdivision and the storm and sanitary sewer system as well as municipal water services are available to service this plan of subdivision.
 - (iii) That the streets be dedicated as public highways on the final plan.
 - (iv) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (v) That the final plan conform with the Zoning By-law approved under The Planning Act.
 - (vi) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (vii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (viii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (ix) That the dead-ends and open side of the road allowances (Block "17" and "18" inclusive) created by the plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and to be held by the City until required for the extension of the road allowances or for the development of abutting lands.
 - (x) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (xi) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (c) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-13), Wardpark Developments Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council

Walkway Closure between
Cranbrook Drive and
Gardiner Drive

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 November 21 respecting requested walkway closure between Cranbrook Drive and Gardiner Drive, Gilkson Neighbourhood.

The Committee approved the following:

That owners and tenants of the area be invited to a public meeting of the Planning and Development Committee to discuss the requested closure of the walkway between Cranbrook Drive and Gardiner Drive, Gilkson Neighbourhood.

IN CAMERA Session

At this point, the Committee agreed to move IN CAMERA to discuss a matter of a private and confidential nature.

The Committee then moved into open session and approved the following recommendation:

Hiring a Consultant -
Zoning OMB Hearing

That Mr. J. Turnbull, Solicitor on the City's behalf for an Ontario Municipal Board hearing respecting Zoning Application 87-119 for property at 986-998 Upper Wentworth Street, be authorized to hire the appropriate consultant to assist him in representing the City's case in this zoning matter.

Zoning Applications

The Committee then ajourned to the Council Chambers to hear zoning applications.

ZA88-83 -
120 Church Stone Road
West

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 November 9 respecting Zoning Application 88-83 for property at 120 Stone Church Road West.

The Committee approved the following:

That APPROVAL be given to Zoning Application 88-83, Irene Lovell, owner, requesting a change in zoning from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District, to permit the creation of a single-family dwelling building lot, for property located at No. 120 Stone Church Road West as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That the subject lands be rezoned from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C.
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District, for property located at No. 120 Stone Church Road West.

The effect of the By-law is to allow for the severing of the subject property into two lots, thereby facilitating the creation of a single-family dwelling building lot.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 October 24 respecting Zoning Application 88-70 for property at 80 Myrtle Avenue.

The Committee was also in receipt of a letter of submission from Ms. Judith Davis, 3 Rutherford Avenue objecting to the zoning application.

The Committee was in receipt of a submission from Mrs. Shibata, 82 Myrtle Avenue objecting to this application.

The Committee then approved the following denial recommendation:

That Zoning Application 88-70, Dejan Srdic and Eunice Srdic, owners requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations applicable to property located at No. 80 Myrtle Avenue, as shown on the attached map marked as APPENDIX "B", BE DENIED for the following reasons:

- (a) it represents an intrusion of a two-family dwelling into an area occupied primarily by single family dwellings;
- (b) approval of the application would establish an undesirable precedent and set the stage for other land owners to convert their dwellings for multiple occupancy;
- (c) it represents an over intensification of use in that the property is substandard from the point that it does not meet the minimum lot area requirements for a single-family dwelling (12.0 m of lot frontage (39.37 ft.) and an area of at least 360.0 m² (3,875.01 sq. ft.) whereas the property only has 9.14 m (30.0 ft.) of lot frontage and 220.17m² (2,370 sq. ft.) of lot area. Furthermore, it does not meet the minimum lot area requirement for conversion in a "C" District under Section 19 of Zoning By-law No. 6593 of 270.0 m² (2,906.26 sq. ft.);

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 November 9, respecting Zoning Application 88-80 for property at 1500, 1514 and 1522 Upper Ottawa Street.

ZA88-70 -
80 Myrtle Avenue

ZA88-80 -
1500, 1514, 1522 Upper
Ottawa Street

The Committee was in receipt of a letter of submission from Mr. R. J. Tatton, 458 Templemead Drive, opposing the zoning application.

Mr. Archer, 466 Templemead appeared before the Committee in opposition to the application. He questioned the type of multiple dwelling that would be built on the property and indicated that he does not want townhousing.

Mr. Stephens, 418 Templemead spoke to the Committee and agreed with the previous speaker's comments. He was concerned at the eroding of the neighbourhood and is also opposed to townhousing.

A representative of the applicant spoke to the Committee to support the application.

The Committee then approved the following recommendation:

That APPROVAL be given to Zoning Application 88-80, Mr. L. W. Bertrand, Mr. R. Gallager and Mr. J. Ferguson, owners, for changes in zoning (Block 1) from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District and (Block 2) from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District, for lands located at Nos. 1500, 1514 and 1522 Upper Ottawa Street, as shown on the attached map marked as APPENDIX "C" on the following basis:

- (a) That the lands described as Block 1 be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) That the lands described as Block 2 be rezoned from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49d;
- (d) That the Templemead Neighbourhood Plan be amended by redesignating the following:
 - (i) Block 1 - From "Attached Housing" and "Low Density Apartments" to "Single and Double" residential.
 - (ii) Block 2 - From "Attached Housing" to "Low Density Apartments"

NOTE: The purpose of this By-law is to provide for changes in zoning for properties located at Nos. 1500, 1514 and 1522 Upper Ottawa Street, on the following basis:

- (a) Block 1 - From "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District; and,
- (b) Block 2 - From "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District.

The effect of the By-law is to permit small lot single-family dwellings on the lands described as Block 1, and to permit low density apartment and/or townhouse development on the lands described as Block 2.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 November 15 respecting Zoning Application 88-42 for property at 19 Aikman Avenue.

ZAB8-42 -
19 Aikman Avenue

Report of the circularization was given as follows:

770 notices sent, 29 in favor, 1 opposed

The owner of property at 32 Grant Avenue spoke to the Committee in opposition to the application. She indicated that there is a similar facility in the area already and if this was approved would be precedent setting.

A representative of the applicant spoke to the Committee and indicated that they are in agreement with having their application amended to permit 45 persons in the retirement home. He added that it is a retirement setting not a medical care facility.

The Committee then approved the following:

- (A) That Zoning Application 88-42, Diton Construction, owner, requesting a further modification to the "E" (Multiple Dwellings Lodges, Clubs, etc.) District provisions, to permit a 68 person privately run retirement home (residential care facility), for the property located at No. 19 Aikman Avenue, as shown on the attached map marked as APPENDIX "D" BE DENIED as submitted for the following reasons:
 - (a) inadequate parking can be accommodated on site (23 parking spaces required, 16 to be provided) creating spill over parking onto adjacent residential streets.
 - (b) it sets an undesirable precedent for future similar applications.

(B) That APPROVAL be given to an amended Zoning Application requesting further modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, to permit a 45 person privately run retirement home (residential care facility) for the property located at No. 19 Aikman Avenue as shown on the attached map marked as APPENDIX "D" on the following basis:

(a) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:

(i) That notwithstanding Section 11.(1)(v) a residential facility for the accommodation of not more than 45 persons aged 65 and over shall be permitted.

(ii) That Section 11.(7) shall not apply

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-953a and that the subject lands on Zoning District Map E-22 be notated S-953a.

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-22.

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a further modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions for the property located at No. 19 Aikman Avenue.

The effect of this By-law is to permit a 45 person privately run retirement home (residential care facility) for persons aged 65 and over.

In addition, the by-law permits the residential care facility to be located within 180 meters of a residential care facility.

2A88-79 -
90 & 100 Mead Avenue
1865 Brampton Street

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 November 15 respecting Zoning Application 88-79 for property at 90 and 100 Mead Avenue and 1865 Branton Street.

The Committee was in receipt of a letter from Mr. A. L. Clemens, 657 Brighton Avenue in opposition to the application.

The Committee was in receipt of a letter from Mr. Mark A. Scholes, Solicitor on behalf of Artben Homes Limited in opposition to the application.

The Committee was in receipt of a petition signed by numerous persons of the area in opposition to the application.

Report of the circularization was given as follows:

156 notices sent, 14 in favor, 10 opposed

Mr. A. Clemens, 657 Brighton appeared before the Committee in opposition to this application. He indicated that the applicant Company has numerous truck parts sitting around the property and he feels that their lands are being devaluated by this. He added that there is a poor safety record on the site and says that the property has been used for much longer than fifteen years for repair purposes. He added that they are not opposed to the vehicles on the site for repair, but are opposed to vehicles on the site as storage for long periods of time.

Mrs. Clemens, spoke in consensus with her husband and added that they have owned their property since 1952 and are proud of their home and unaccepting of the proposal to have the zoning changed to allow a salvage yard.

Mrs. Thachuk, 672 Brighton, spoke in opposition to the application and indicated that they have lived in their home since 1958.

The owner of property at 638 Brighton also spoke in opposition to the application.

Mr. D. Naykalyk, 664 Brighton spoke in opposition to the application and indicated that he had resided in his home since 1951. He cited the objectionable paint fumes and dust that the neighbours have recently been experiencing. He added that trucks are piled very high in the rear area of residential lots. He added that numerous wrecks are on the property now and that the debris is attracting animals for nesting. He added that he is very opposed to the proposed zoning change to allow for a salvage yard. He expressed concerns that the company has been operating as a salvage yard without receiving approval first. He added that in his conversations with shift workers in the area that they cannot get sleep due to the business activities.

Mrs. Constable, 631 Brighton spoke in opposition to the application and indicated that her rear yard backs on to the Company and the mentioned undesirable vehicle parts that she sees when she looks out to her backyard.

Mr. John Evans, representative of Paling, Incorporated spoke to the Committee and outlined their proposed use on the land. He added that because many of the vehicles are accident vehicles, and claims are pending court decisions, that sometimes these vehicles may stay on the property for up to a year.

The Committee then discussed this application and agreed to deny the application as follows:

That Zoning Application 88-79, Paling Incorporated, owner, requesting a modification to the established "J" (Light and Limited Heavy Industry, etc.) District to permit a salvage yard, for property located at Nos. 90 and 100 Mead Avenue and 1865 Brampton Street, as shown on the attached map marked as APPENDIX "E", BE DENIED for the following reason:

- (a) The proposal is incompatible with existing residential development in the surrounding area.

2A88-78 -
130, 134, 136 Young Street

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 November 18 respecting Zoning Application 88-78 for property at 130, 134, 136 Young Street.

The Committee was in receipt of a letter of opposition from Mr. and Mrs. Flaiani, 168 Walnut Street.

The applicant spoke to the Committee in support of the this application and submitted pictures for the Committee's perusal. A statement dated 1988 November 30 in support of the application was also distributed to the Committee members.

The Committee then discussed the matter and approved the following approval:

That APPROVAL be given to Zoning Application 88-78, Karen and Frank Murphy, owners, for a modification to the established "E-3" (High Density Multiple Dwellings) District to permit a 2 storey addition to No. 132 Young Street for medical offices on the ground floor and 3 apartment units on the second floor, to be developed in conjunction with lands located at Nos. 130, 134 and 136 Young Street, as shown on the attached map marked as APPENDIX "F", on the following basis:

- (a) That the "E-3" (High Density Multiple Dwellings) District regulations as contained in Section 11C of Zoning By-law No. 6593, applicable to the subject lands, be modified to provide for the following variances as special regulations:
 - (i) That notwithstanding Section 11C.(1) medical offices and 3 dwelling units shall be permitted;
 - (ii) That notwithstanding Section 11C.(2) (b) a minimum westerly side yard width of 1.6 m and a minimum southerly side yard width of 1.38 m shall be required;
 - (iii) That notwithstanding Section 11C.(5) a minimum landscaped area of 16% shall be provided and maintained;
 - (iv) That notwithstanding Section 18A - Table 1 a minimum of 8 parking spaces shall be required;

- (v) That Sections 18A (11), (12) and (26) shall not apply;
 - (vi) That Section 18A. (9) shall not apply to 2 parking spaces to be located in the westerly side yard;
 - vii) That notwithstanding Section 18A - Table 6 the required manoeuvring space for the easterly parking area shall be a minimum 5.3 m in width.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1104, and the subject lands on Zoning District Map E-5 be notated S-1104.
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5;
 - (d) That the proposed change in zoning is in compliance with the Official Plan for the Hamilton Planning Area;
 - (e) That the Approved Corktown Neighbourhood Plan be amended by redesignating the subject lands from "High Density Apartments" To "Commercial and Apartments".

NOTE: The purpose of the By-law is to provide for a modification to the established "E-3" (High Density Multiple Dwellings) District regulations for lands located at Nos. 130, 132, 134 and 136 Young Street.

The effect of the By-law is to permit redevelopment of the subject lands for a 2 storey building containing medical offices on the ground floor and 3 apartment units on the second floor. The existing dwelling at No. 132 Young Street is to be retained.

In addition, the By-law provides for the following variances as special requirements:

- (a) A minimum westerly side yard width of 1.6 m (5.2 feet) and a minimum southerly side yard width of 1.38 m (4.5 feet) is to be provided, whereas a side yard width of 4.59 m (15 feet) is required;
- (b) A minimum landscape area of 16% is to be provided and maintained, whereas 40% is required;
- (c) A minimum of 8 parking spaces are to be provided, whereas 11 are required;

- (d) No planting strip is to be provided, whereas a minimum 1.5 m (5 foot) wide planting strip is required along the boundary of the parking area adjoining a residential district;
- (e) The manoeuvring space for 2 parking spaces to be provided in the westerly side yard is not required, whereas it should be provided on site;
- (f) The required manoeuvring space for the easterly parking lot shall be 5.3 m (17.6 feet) in width, whereas 6.0 m (19.69 feet) is required;
- (g) The access driveways will abut the adjoining residential district boundaries, whereas they are required to be setback a minimum of 3.0 m (9.84 feet).

ZA88-85 -
4 Centennial Parkway
South, and adjacent land
to the south

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 November 17 respecting Zoning Application 88-85 for property at number 4 Centennial Parkway South and adjacent land to the south.

The Committee was in receipt of a letter dated 1988 November 15 from the Niagara Parks Commission indicating they are not in objection to the zoning changes but asking that any future notices with respect to Stoney Creek Battlefield Park be forwarded to the City of Stoney Creek who will be taking care of the park on their behalf.

The Committee was in receipt of a letter from Mr. Don Desrochers, President, AMD Investments Ltd. asking that their application be withdrawn in order that they can examine new plans for this site.

Councillor John Copeland, Chairman of the Stoney Creek Planning and Development Committee as well as Mr. Ron M. Marini, Director of Planning for the City of Stoney Creek were in attendance at the meeting. Councillor Copeland requested that the Planning and Development Committee keep them informed of this matter.

The Committee then agreed that the Zoning Application BE TABLED.

ZA88-90 -
99 Duke Street and
91 Bay Street South

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 November 16 respecting Zoning Application 88-90 for property at 99 Duke Street and 91 Bay Street South.

The Committee was in receipt of a letter of objection from Mr. and Mrs. Revell, 200 Park Street South.

The Committee was in receipt of a letter from Ms. Susan B. Hearst, 125 Bold Street, apartment 6 in opposition to this application.

The Committee was in receipt of a petition signed by members of the Berkshire Apartments, 172 Bay Street South in opposition to the application.

Report of the circularization was given as follows:

over 2000 notices sent, 79 in favor, 63 opposed

Mrs. Santilli, representative of the Berkshire Tenants Group spoke to the petition of objection and outlined their concerns.

Ms. Dawn Vaile, 172 Bay Street South (Berkshire Apartments) spoke in opposition to the application and indicated that the dwellers of this apartment building have resided there for quite some time. She emphasized the parking shortage in the area and expressed her view that approving this application would set a precedent.

Mr. Peter Hill, Durand Neighbourhood Association indicated that the Association is opposed to the application for the same reasons as stated by previous speakers.

Mr. Louis Levy, the applicant for the property spoke to the Committee on the merits of approving the application.

The Committee then approved the following:

- (a) That APPROVAL be given to Official Plan Amendment No. 69 to introduce a "Special Policy Area" to permit offices for accountants and lawyers within the existing building; and that the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That APPROVAL be given to Zoning Application 88-90, Louis Levy, prospective owner, for a change in zoning from the "E-3" (High Density Multiple Dwellings) District to "DE-3 (Multiple Dwellings) District modified, to permit the conversion of the existing multiple dwelling (4 plex) into offices for accountants and lawyers, for lands located at Nos. 99 Duke Street and 191 Bay Street South, as shown on the attached map marked as APPENDIX "G", on the following basis:
 - (i) That the subject lands be rezoned from the "E-3" (High Density Multiple Dwellings) District to the "DE-3" (Multiple Dwellings) District;
 - (ii) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to the subject lands, be modified to provide for the following variances as special requirements:

- (1.) That notwithstanding Section 10C.(1) offices for lawyers and accountants shall be permitted within the existing building;
- (2.) That notwithstanding subsection 4.(c) of Table 1 of Section 18A a minimum of 10 parking spaces shall be required.
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1105, and that the subject lands on Zoning District Map W-5 be notated S-1105;
- (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-5;
- v) That the proposed change in zoning will be in compliance with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 69 by the Regional Municipality of Hamilton-Wentworth;
- (vi) That the Approved Durand Neighbourhood Plan be amended by redesigning the subject lands from "High Density Apartments" to "Commercial".
- (c) That Schedule "B" to By-law No. 79-275 as amended by By-law No. 87-223 respecting Site Plan Control, be amended by adding the subject lands thereto.
- (d) That the amending By-law and Official Plan Amendment not be passed by Council until the applicant has applied for and received Site Plan Approval.

NOTE: The purpose of the By-law is to provide for a change in zoning from the "E-3" (High Density Multiple Dwellings) District to the "DE-3" (Multiple Dwellings) District for lands located at Nos. 99 Duke Street and 191 Bay Street South.

The effect of the By-law is to permit the conversion of the existing multiple dwelling (4 plex) into offices for accountants and lawyers. In addition, a minimum of 10 parking spaces are required.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 October 27 respecting Final Lot Grading Mohawk Gardens (Phase III, Stage 1).

Following discussion on this matter, the Committee agreed to take NO ACTION on the above noted matter and REFERRED this matter back to the Commissioner of Engineering. It was also agreed that some discussion should be held between the Commissioner of Engineering and Alderman H. Merling, the ward alderman, on this issue.

There being no further business, the meeting then adjourned.

Taken as read and approved,

Alderman J. Smith, Chairman
Planning and Development Committee

Susan K. Reeder
Secretary
1988 November 30

Final Lot Grading -
Mohawk Gardens
(Phase III, Stage 1)

Adjournment

FOR ACTION

2.

REPORT TO: THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: P. KUPPE, BUILDING COMMISSIONER

DATE: January 4, 1989

COMM. FILE:

DEPT. FILE:

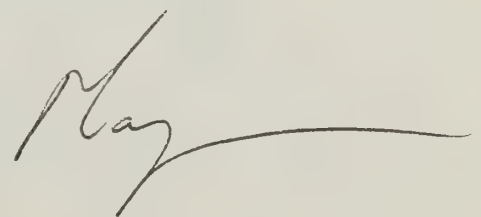
SUBJECT:

DEMOLITION

RECOMMENDATION:

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following properties: -

- A. 1411 Upper Sherman Avenue
- B. 803 King Street West
- C. 393 Sherman Avenue North
- D. 141 Walnut Street South
- E. 872 Upper Wentworth Street
- F. 2741 King Street East
- G. 139 Nash Road South
- H. 141 Nash Road South
- I. 167 Nash Road South
- J. 1517 Barton Street East
- K. 734 Dunn Avenue



FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

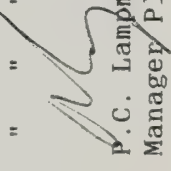
For background information see attached sheets.

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

DATE: January 4, 1989

| ITEM | ADDRESS | PRESENT USE | PROPOSED USE | LOT SIZE | OWNER | ZONE | RECOMMENDATION |
|------|---------------------------|-------------|-----------------------------------|--|--|--------------|--|
| A. | 1411 Upper Sherman Avenue | S.F.D. | Retail Plaza | 120.00' X 183.00' | Rosart Properties | "G-1/S-1086" | It is recommended that Committee approve demolition. |
| B. | 393 Sherman Ave. | S.F.D. | Alpha Enclave West | 22.00' X 90.00' | City of Hamilton | "K" | It is recommended that Committee approve demolition. |
| C. | 141 Walnut St. S. | S.F.D. | Corktown Neighbourhood Park | 33.00' X 121.41' | City of Hamilton | "D" | It is recommended that Committee approve demolition. |
| D. | 2741 King St. E. | S.F.D. | East End Ambulatory Care Facility | Frontage 537.89' + irreg. depth, total of 26.06 acres. | Sisters of St. Jos. of the Diocese of Hamilton | "AA/S-867" | It is recommended that Committee approve demolition. |
| E. | 139 Nash Road S. | S.F.D. | " | " | " | " | It is recommended that Committee approve demolition. |
| F. | 141 Nash Road S. | S.F.D. | " | " | " | " | It is recommended that Committee approve demolition. |
| G. | 167 Nash Road S. | S.F.D. | " | " | " | " | It is recommended that Committee approve demolition. |


 P.C. Lampman, P. Eng.
 Manager/Plan Examination

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

DATE: January 4, 1989

[illegible]

P.C. Lampman, P. Eng.,
Manager Plan Examination

DEMOLITION CONTROL

CATEGORY "C" -- NO IMMEDIATE REDEVELOPMENT IS PROPOSED

DATE: January 4, 1989

[illegible]

F O R A C T I C

3.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director

DATE: 1988 December 19
DEPT FILE: OHRP-D 177
OHRP 2951

SUBJECT:

Grants for the Handicapped, Mrs. A. Dreher
3 Fielding Crescent, Hamilton.

RECOMMENDATION:

1. That a grant and repayable loan in the amount of five thousand dollars (\$5,000.) be approved for Mrs. A. Dreher, 3 Fielding Crescent, for the adaptation her home.
2. That subject to approval, the Lien be registered on Title indicating that a forgivable grant in the amount of two thousand, five hundred dollars (\$2,500.) be earned over a five (5) year period, and the balance of balance of two thousand, five hundred dollars (\$2,500.) be repaid to the Corporation of the City of Hamilton at the time of the sale of the property. The interest rate on the repayable portion will be zero percent.

E. W. Kowalski

FINANCIAL IMPLICATIONS (IF NONE, N/A)

N/A

BACKGROUND

The Department of Community Development has received:

1. A letter from Mrs. C. Butter, Physiotherapist, outlining the needs of Mrs. Dreher.
2. An estimate from Doncaster Medical Supplies in the amount of \$4,887.59 for a wheelchair stairlift. An estimate from Trever Phillips Electric for \$633. for the necessary preparations of wheelchair lift.

Mrs. Dreher initially made application under the Ontario Home Renewal Programme as well as the Handicap Programme. As per the terms of the programme, the property was inspected under Property Standards By-law 74-74, and this inspection revealed that there were requirements under the terms of the programme and these have been funded under the Ontario Home Renewal Programme.

The Department of Community Development recommends that the Planning and Development Committee and City Council approve the Handicap Grant in the amount of five thousand dollars (\$5,000.), as per the previously agreed to formula of fifty percent (50%) repayable at the time of the sale of the property.

FOR ACTION

4.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director

DATE: 1989 January 3
COMM FILE:
DEPT FILE: 800-MNP-1.0

SUBJECT: REVISED COMPOSITION OF THE BOARD OF DIRECTORS OF THE
MUNICIPAL NON-PROFIT (HAMILTON) HOUSING CORPORATION

RECOMMENDATION:

That the composition of the Board of Directors of the Municipal Non-Profit (Hamilton) Housing Corporation be revised to 8 council members, preferably one from each Ward and 5 citizen members, from the previous composition of all City Council members.

E. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

On October 11, 1988, the Full Board of Directors of the Municipal Non-Profit (Hamilton) Housing Corporation approved a revised composition of the Board of Directors consisting of 8 Members of Council, preferably one member from each Ward, and 5 Citizen members. Previously, the Board composition consisted of all Council Members.

The City Clerk has advised that Council approval is required before this change in Board membership can occur and citizen members be appointed.

FOR ACTION

5.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1988 December 27

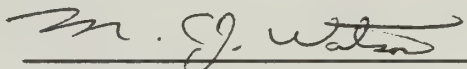
COMM FILE:

DEPT FILE: 20.1.280
(4504)

SUBJECT: Release of Building Covenants - Tuite Construction
Limited - 1172 Rymal Road East, Hamilton, Ontario
Lot 6, Plan M-352 - Hamilton Industrial Park No. 3

RECOMMENDATION:

That the City Solicitor be authorized to prepare a Quit Claim Deed from the City of Hamilton to the present owners of 1172 Rymal Road East, Hamilton, Ontario to release the property from the construction covenants to the City as contained in deed number 204779 L.T.


for D. W. Vyce

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

In adopting Item 12 of the Eighth Report of the Planning & Development Committee, City Council on April 28, 1987, authorized the sale of Lot 6, Registered Plan M-352 to Tuite Construction Limited. The transaction was completed on July 13, 1987. On December 20, 1988, their proposed building was completed.

This Department supports the request of the owner, that the City of Hamilton release the construction covenants contained in deed number 204779 L.T. in order to clear the title.

All the covenants as noted above have been fulfilled.

c.c. Mr. K. A. Rouff, City Solicitor



CITY COUNCIL
HAMILTON, CANADA

6.

Alderman John Smith

71 MAIN STREET WEST L8N 3T4 • (416) 526-2732 • RES. (416) 387-0066 — WARD 6

December 28, 1988

Mrs. Susan Reeder
Secretary
Planning and Development Committee

Dear Mrs. Reeder:

Re: Skating Rink - Jackson Square

In view of the negative responses as outlined in the attached correspondence from Mr. Milligan of Yale Properties, with respect to the fact that they do not plan to re-open the skating rink for this winter season in Lloyd D. Jackson Square, I would like this matter placed on the next agenda of the Planning and Development Committee, and that all lawyers be asked to come back to re-discuss this matter. Secondly, that the Legal Department also be in attendance, as well as any concerned local citizens who would like to make a public presentation or present a petition over the loss of one of our finest public facilities in Jackson Square.

Yours very truly,

John Smith
Alderman, Ward 6

JS:jf

FOR INFORMATION

ALDERMAN JOHN SMITH

DEC 16 1988

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1988 December 15

COMM FILE:

DEPT FILE: (2719)

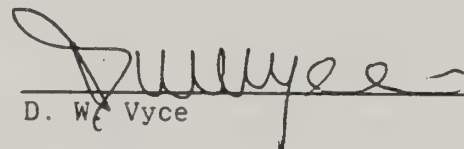
SUBJECT: Skating Rink - Lloyd D. Jackson Square

BACKGROUND:

On November 9, 1988, representatives of Yale Properties were in attendance at the Planning and Development Committee meeting and entered into a discussion with the Committee on the future of the skating rink in Phase IV of the Lloyd D. Jackson Square and the possibility of the space being utilized for another purpose. A day care centre was mentioned but no definite plans were presented.

The Planning and Development Committee requested that Yale Properties consider re-opening and maintaining the skating rink for this year while their feasibility study on alternate uses is being undertaken. Mr. Milligan, solicitor for Yale Properties indicated that he would take this request back to his principals of Yale Properties for their consideration.

Yesterday, I was advised by Mr. Milligan that Yale Properties has considered this matter and does not plan to re-open the skating rink during this winter season.


D. W. Vyce

c.c. - Alderman T. Cooke
- Alderman Wm. McCulloch

Copy sent to : Members, Planning & Development Committee
Mr. L. Sage
Mr. V. Abraham
Mr. Schimmel
Mr. Vyce
1988 December 15



December 21, 1988

P5-2-60

Mrs. Susan Reeder, Secretary
Planning and Development Committee
City Clerk's Department
Hamilton City Hall

Dear Mrs. Reeder:

Re: City of Hamilton Representation -
Beach Implementation and Beach Advisory Committees

On August 30, 1988, City Council adopted the use of an Advisory Committee for the preparation of a Neighbourhood Plan, composed of the current members of the Beach Implementation Committee, and seven owners/tenants from Hamilton Beach. A full list of members of the Beach Advisory Committee as of November, 1988, is attached.

I would like to request the appointment of three representatives of the City of Hamilton to the Beach Implementation Committee and Beach Advisory Committee. The Beach Advisory Committee will prepare a Neighbourhood Plan during 1989.

Once the Beach Advisory Committee disbands, the Beach Implementation Committee will continue on to implement the Beach Concept Plan.

On January 12, 1988, City Council appointed to the Beach Implementation Committee:

- Alderman R. Wheeler (Ward 5)
- Alderman D. Agostino (Ward 5)
- Alderman D. Christopherson

Yours truly,

David Godley

David Godley
Co-ordinator
Beach Implementation Committee and
Beach Advisory Committee

DG:CS

Attach.
0125P

HAMILTON BEACH ADVISORY COMMITTEE
COMMITTEE COMPOSITION AND MAILING LIST

P5-2-60

(as of November 1, 1988)

MEMBERS

REPRESENTING

- | | |
|---|---|
| 1. Alderman Reg Wheeler Second Floor, City Hall 526-2730 | City of Hamilton (Beach Implementation Committee Member) |
| 2. Alderman Geraldine Copps Second Floor, City Hall 526-2730 | Hamilton Region Conservation Authority (Beach Implementation Committee Member) |
| 3. Alderman Dominic Agostino Second Floor, City Hall 526-2730 | City of Hamilton (Beach Implementation Committee Member) |
| 4. Alderman David Christopherson Second Floor, City Hall 526-2730 | City of Hamilton (Beach Implementation Committee Member) |
| 5. Councillor Pat Richardson City of Stoney Creek 777 Highway No. 8 Stoney Creek, Ontario L8G 4N9 573-3333 | Hamilton Region Conservation Authority (Beach Implementation Committee Member) |
| 6. Councillor Stan Napper City of Stoney Creek 777 Highway No. 8 Stoney Creek, Ontario L8G 4N9 643-1261 | Region of Hamilton-Wentworth (Beach Implementation Committee Member) |
| 7. Linda Marshall Hamilton Beach Study 777 Highway No. 8 913 Beach Boulevard Hamilton, Ontario L8H 6Z6 545-6350 | Hamilton Beach (Beach Implementation Committee Member) |
| 8. Gil Simmons 449 Bay Street North Hamilton, Ontario L8L 1N2 522-9974 | Citizen at Large (Beach Implementation Committee Member) |

- | | | |
|-----|--|---|
| 9. | Al Stacey 33 Undermount Avenue Hamilton, Ontario L8P 3Z7 527-2274 | Hamilton Region Conservation Authority (Beach Implementation Committee Member) |
| 10. | Mr. Michael Gagnon 668 Beach Boulevard Hamilton, Ontario L8H 6Y3 545-1121 | Hamilton Beach Beach Implementation Committee Member) |
| 11. | Linda Gendreau 1121 Beach Boulevard Hamilton, Ontario L8H 6Z9 545-3795 or 545-4745 | Hamilton Beach |
| 12. | Elisabeth Nebesny 6 Grafton Avenue Hamilton, Ontario L8H 7E7 549-0397 | Hamilton Beach |
| 13. | Ernestine Massignani 522 Beach Boulevard Hamilton, Ontario L8H 6X3 547-2038 | Hamilton Beach |
| 14. | Bob Jaggard 663 Beach Boulevard Hamilton, Ontario L8H 6X8 544-6518 | Hamilton Beach |
| 15. | James Howlett 1 Sierra Lane Hamilton, Ontario L8H 7C1 547-4062 | Hamilton Beach |
| 16. | Sam Hobbs 2 Sierra Lane Hamilton, Ontario L8H 7C1 545-9546 | Hamilton Beach |
| 17. | Teresa Kemp 919 Beach Boulevard Hamilton, Ontario L8H 6Z6 544-3918 | Hamilton Beach |



CITY COUNCIL
HAMILTON, CANADA

8.
Alderman Dominic Agostino

71 MAIN STREET WEST L8N 3T4 • (416) 526-2732 • RES. (416) 574-0179 — WARD 5

1988 November 16

Ms. Susan Reeder. Secretary.
Planning and Development Committee

Dear Susan:

Would you please advise if there is any legislation requiring that garbage shoots be on ALL floors of apartment buildings. if there is not, would you please arrange to have this item placed on the next agenda of the Planning and Development Committee.

Please find attached a copy of a letter I have received from a constituent regarding the above.

I would appreciate a response as quickly as possible.

Sincerely.

Dominic Agostino, Alderman,
Ward 5

DA:tb

Attch..1

Landlord apology demanded

HAMILTON ALDERMEN are threatening to sue the management of a Mountain apartment building for falsely blaming the city for a decision to close the garbage chute and make tenants carry their refuse outside, starting today.

Members of the transport and environment committee voted yesterday to take legal action unless Metro Property Management pays for a newspaper advertisement apologizing to the city and to tenants of the five-storey building on East 37th Street and Mountain Brow Boulevard.

"We should go after these people," said Alderman Tom Murray. "This is totally irresponsible."

Ward 6 Alderman John Smith told the committee some elderly tenants "can't sleep at night worrying about it, and they blame us."

City records identify the building owner as David Shiffman of Agate Road, Downsview, the same address as Metro Property Management, which sent tenants a notice stating: "We are very sorry for any inconvenience this change in policy may have caused you, but the City of Hamilton has left us no choice."

Calling that "a blatant lie," public works commissioner Joe Pavelka said a man identified only as L. Shiffman of Metro Property Management admitted trying to "use the city as a scapegoat" for something done for the building superintendent's convenience.

"This company needs to have its knuckles rapped and be humiliated somewhat," said Alderman Dominic Agostino. "We should give them the opportunity to apologize publicly or go to court."

11/10

Dear Sir

I am sending you two notices we received about our garbage chutes that we have at the Tiara apts. There is a lot of older people in here & we all have to carry our garbage down to the first floor. Some even put it out on the balcony till they get enough to take it down in a small cart. They just won't open the chutes on every floor. They do everything to hurt the tenants. Closed the Rec room, filled in the pool. put the hairdresser out & made apts in the basement. The parking lot is full of pot holes & now the mail boxes are going to be down in the basement also. I don't know if you can help us or not but I am sending out an aob hoping you can.

I Remain

Henry Ross

770 Linsmore Rd

apt 305 -

Dominion Management

A garbage compactor is being installed in Tiara Apartments and the garbage incinerator now in use is being removed. When the compactor is in place, all garbage may be deposited down the chute in the normal way: however, there will be no need to separate bottles and cans etc. The compactor will be complete in about 3 - 4 weeks.

For about 1 week, neither the incinerator nor the compactor will be working. For THAT ONE WEEK, THE CHUTE WILL BE CLOSED and garbage must be deposited in a temporary container at the back entrance. That will happen in about 2 - 3 weeks and last about 1 week.

It will require your cooperation but when the compactor is in place, garbage disposal will be easier for both tenants and management.

January 29, 1988

*The chutes are closed
except 1st floor and will
reopen.*

Dominion Management

OCTOBER 29, 1987

NOTICE

TO ALL TENANTS AT TIARA APTS

AS OF MONDAY 9TH NOVEMBER, 1987

TO MINIMIZE FIRE HAZARDS FROM THE GARBAGE CHUTE, AND THEREBY IMPROVE THE SAFETY AND PROTECTION FOR ALL RESIDENTS, AS APPROVED BY THE APPROPRIATE AUTHORITIES.

ALL WET GARBAGE ONLY MUST BE TAKEN TO FIRST FLOOR GARBAGE ROOM, AND PUT DOWN CHUTE.

ALL PAPERS, BOTTLES, AND CANS MUST BE TAKEN TO BASEMENT MOVING IN ROOM, WHERE GARBAGE BINS WILL BE PROVIDED.

ANY OTHER GARBAGE, ETC., YOU WISH TO DISPOSE OF, PLEASE CONTACT THE BUILDING MANAGERS, AND THEY WILL MAKE THE NECESSARY ARRANGEMENTS WITH YOU.

OFFICE MANAGER



RE
AT

8a.

THE CORPORATION OF THE CITY OF HAMILTON
DEPARTMENT OF BUILDINGS
HAMILTON, ONTARIO

TO: Mrs. Susan K. Reeder, Secretary,
Planning and Development Committee

FROM: Brian D. Allick,
Director of Inspections,
Building Department.

DATE: December 14, 1988

SUBJECT: Garbage Chutes, Apartment Buildings.

In response to your request for information regarding the concerns raised by Alderman Agostino, please be advised that there is no legislation that deals specifically with garbage chutes.

The provision of garbage chutes are at the discretion of the building owners only, and it is their prerogative as to which floors are served and if in fact, they permit the tenants to use them.

In reviewing our file, we find no recent complaints regarding this specific property.

Yours very truly,

Brian D. Allick
Director of Inspections

BDA/ik.



FOR ACTION

Q.

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1989 JANUARY 4
COMM FILE:
DEPT FILES: SA-83-02
25T-83004

SUBJECT

Extension of Draft Approval for "Wisemount Forest Survey" Subdivision

RECOMMENDATION

That the Region be requested to grant a one year extension to the draft approval for "Wisemount Forest Survey" Subdivision (Regional File No. 25T-83004).

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

V. J. Abraham, M.C.I.P.
Director
Local Planning

BACKGROUND

Owner

S. Wise Construction Limited

HISTORY

Wisemount Forest Survey - Lisgar Neighbourhood

Draft approved November 14, 1983, for 140 lots for single-family dwellings, 8 lots for semi-detached dwellings, 3 blocks for apartments (approximately 403 units) and one block for townhouses (approximately 90 units).

Stage 1 registered in May 1987, for 7 lots for single-family dwellings and 8 lots for semi-detached dwellings.

Phase 4 registered in July 1988, for 13 lots for single-family dwellings.

Extended in 1986 and 1987.

Present lapsing date February 14, 1989.

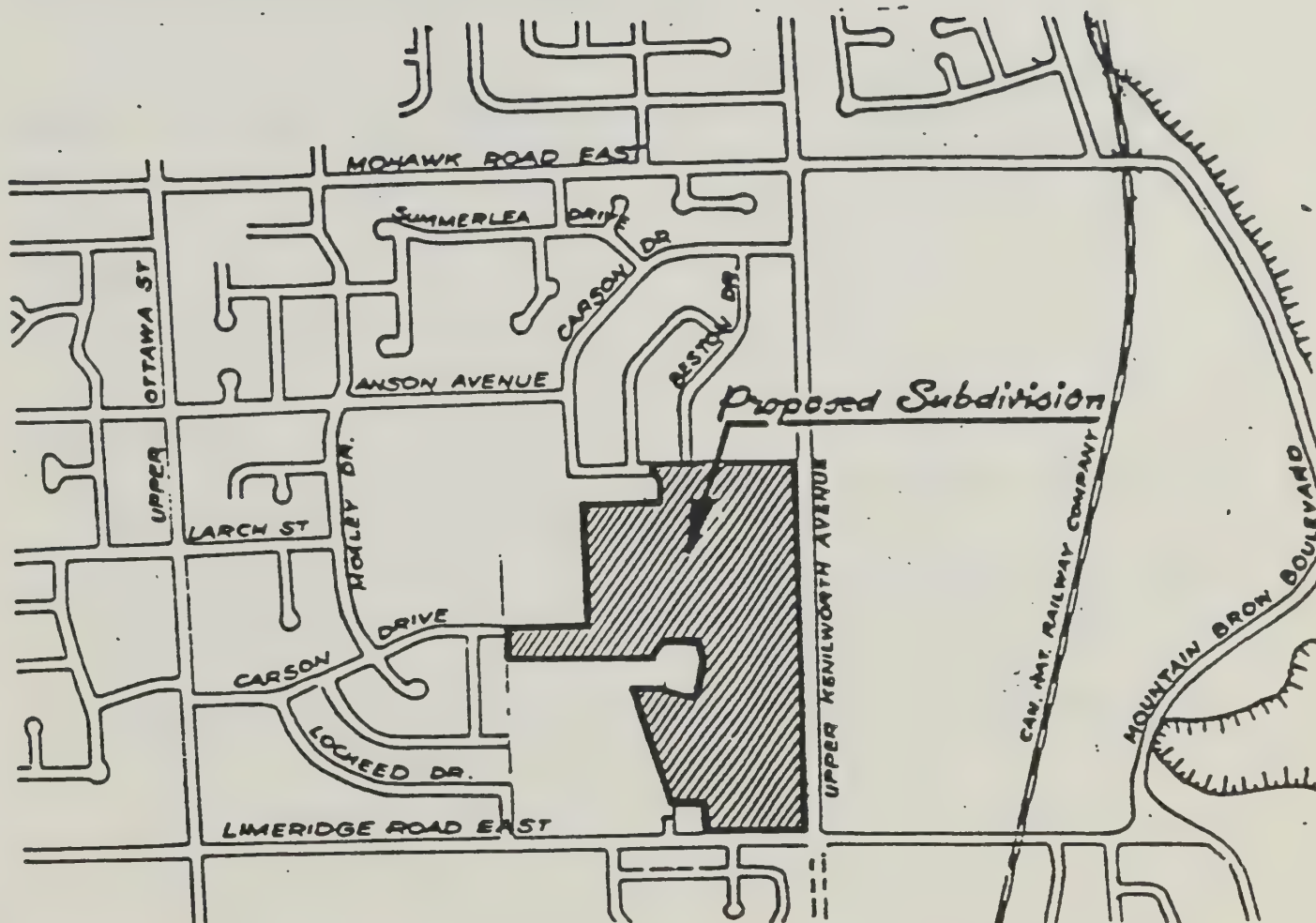
Requesting a further extension for an unspecified period on the basis that the owner will be registering the next phase in the near future.

CONCLUSIONS

The City of Hamilton originally recommended approval of the aforementioned draft plan subject to certain conditions which were subsequently included in the conditions of approval established by Regional Council.

The conditions of approval are still appropriate and no requests have been made to revise the plan or the conditions, therefore, the extension should be supported on the basis of the usual extension of one year.

CMD/jd
WPDoc 0239P



Location Plan For

WISEMOUNT FOREST SURVEY-PHASE 3

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale

1:12,000

Date

83-03-03

Reference File No.

25T-83004

Drawing No.

83-H-25

F O R A C T I O N

11.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: URBAN DESIGN COMMITTEE

DATE: 1988 November 01
COMM FILE:
DEPT. FILE: 4486

SUBJECT:

City of Hamilton Mayor's Awards.

RECOMMENDATION

1. That the Planning and Development Department be requested to establish and to carry out the City of Hamilton Mayor's Awards.
2. That the Planning Department and the Urban Design Committee will proceed immediately, to allow the first award ceremony to take place before the end of April 1989.
3. That the estimated cost of \$1,200.00 be included in the 1989 Planning and Development Department Budget.

Alderman J. Smith

FINANCIAL IMPLICATIONS

Total cost \$1,200.00 (approx.)

BACKGROUND REPORT

INTRODUCTION

In recent years, the rising public interest in architectural design, urban form and urban spaces has led to many inquiries about how we collectively see our City, how the City is perceived from the outside, and how we impress our visitors and guests. Consequently, Hamilton's image is becoming a hardstick by which to evaluate our current planning and development initiatives.

One of the tangible manifestations of this shift in public thinking is the fact that the Planning Department is being inundated by requests to improve the quality of urban spaces, streetscapes and, in particular, the City entrances. These requests are arriving from all directions, from citizens, committees, other departments, and also from the Mayor's Office. Inspired by the actions of other municipalities, the following is a proposal to establish a "Mayor's Awards Program".

The Mayor's Awards Program will focus on projects that:

1. Demonstrate care and sensitivity to the City's existing infrastructure;
2. Reflects the community heritage and spirit;
3. Have an understanding of and capacity to respond to the imperatives of our changing times; yet,
4. Can meet the challenges of market and economic realities.

AIM

The Mayor's Awards aim is to identify, reward and call community attention to well-designed and well-executed projects which create or enhance Hamilton's public spaces.

ELIGIBILITY

1. The Mayor's Awards are open to all individuals, organizations, both public and private;
2. The project must be located within the corporate boundaries of the City of Hamilton.
3. The project must be completed within a three year period prior to the end of this calendar year.

STEPS TO BE TAKEN

- Members of the Urban Design Committee, with the assistance of the Planning Staff, are to identify recent developments which, in their opinion, merit special appreciation;
- Staff will take pictures of these developments;
- All the pictures will be reviewed and evaluated by the Urban Design Committee and after the selection be presented to the Mayor;
- A professional photographer will take pictures of the finally selected developments;

- The developer/owner will receive a letter of appreciation signed by the Mayor;
- In special cases with unusual merit, such a letter may be accompanied by a simple plaque;
- An exhibition (a panel) of winning developments will be displayed on the second floor of City Hall or in Jackson Square;
- The press will be notified, and possibly, the pictures of the selected developments may be published.

TIME SCHEDULE

The Mayor's letters of appreciation for 1988 should be received before the end of January 1989.

PROJECT EVALUATION - CRITERIA

Entries will be evaluated according to the following criteria:

i) Originality of the design

How innovative is the project? How unique is the solution to the given task? How successfully does the project address the present and anticipated future needs of typical public space users. What are the major constraints which influenced the final design? What are the key issues to be resolved by the design?

ii) Sensitivity of the design to the broader, natural and human-made setting

How projects, where applicable, demonstrate respect for two unique natural features of Hamilton, the Escarpment and the Lake; is there provision for active public enjoyment or at least provision for physical and visual access. Projects located in the lower part of the City would also be evaluated as to how they effect the profile of the existing city scape - for example, being observed from the Escarpment.

iii) Context

How the project fits into the immediate surroundings, human-made or natural, and how the project relates to or incorporates the historical and cultural features located in the vicinity.

iv) Civic contribution

How the project helps to boost civic pride, attract people, boost the economy or otherwise impact the area. Also, cost effectiveness - do the resulting benefits reflect good value for money spent? Transferability - how this project, or its individual features could be helpful to others.

v) Educational

How the project enhances general awareness of open air public spaces and how comprehensively does it interpret the natural and cultural continuum of Hamilton's public spaces.

vi) Comfort and Enjoyment

How the public space is to be used at different times during the day, at night, at different seasons of the year. Would the space provide enough comfort and enjoyment to attract people of all ages and of different cultural backgrounds?

BUDGET

| | | |
|---|--|----------------------|
| - | Staff photographer (20-25 postcard sized photos) | \$ 100.00 |
| - | Professional photographer (6-10 Photos 8 x 11) | \$ 800.00 |
| - | Preparation of a display panel | \$ 200.00 |
| - | Plaque (if applicable) | @ \$ 70.00 (Approx.) |

TOTAL \$1,170.00

VM/dkp

WP 0016P

F O R A C T I O N

12.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 January 5
COMM FILE:
DEPT. FILE: ZA-88-32
 Ryckman
 Neighbourhood

SUBJECT:

Request for a change in zoning from "AA" (Agricultural) District modified to "HH" (Restricted Community Shopping and Commercial) District, property located at No. 19 Rymal Road East.

RECOMMENDATION

That approval be given to Zoning Application 88-32, Ronald James Creighton owner, for a change in zoning from "AA" (Agricultural) District modified to "HH" (Restricted Community Shopping and Commercial) District, for property located at No. 19 Rymal Road East, as shown on the attached map marked as APPENDIX "A" on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District, modified to "HH" (Restricted Community Shopping and Commercial) District.
- ii) That the "HH" (Restricted Community Shopping and Commercial) District provisions as contained in Section 14A of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following as special requirements:
 - a) that a landscaped planting strip not less than 3.0 meters wide shall be provided and maintained within the lot and along the entire southerly lot line.
 - b) no access driveway to and from Rymal Road East shall be provided on the land.
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Maps E-9D and E-9E be notated as S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-9D and E-9E for presentation to City Council.
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NB: The one storey frame house indicated as #19 on the survey plans was previously demolished.

- The Traffic Department, Hamilton Region Conservation Authority, The Local Architectural Conservation Advisory Committee Staff have no comments or objection.

- The Hamilton Wentworth Engineering Department has advised that:

"public watermains as well as separate storm and sanitary sewers are available to service the subject lands. For the information of the applicant:

- We do not anticipate any further road allowance widenings at this time;
- Any work within the Rymal Road road allowance must conform to the Region's Road Use By-law;
- Any change or new access to Rymal Road requires an Approach Approval from the City of Hamilton, Traffic Department. The applicant should be advised that the future widening of Rymal Road (previously acquired) may include the provision of raised concrete median islands which may restrict access to the subject lands".

COMMENTS

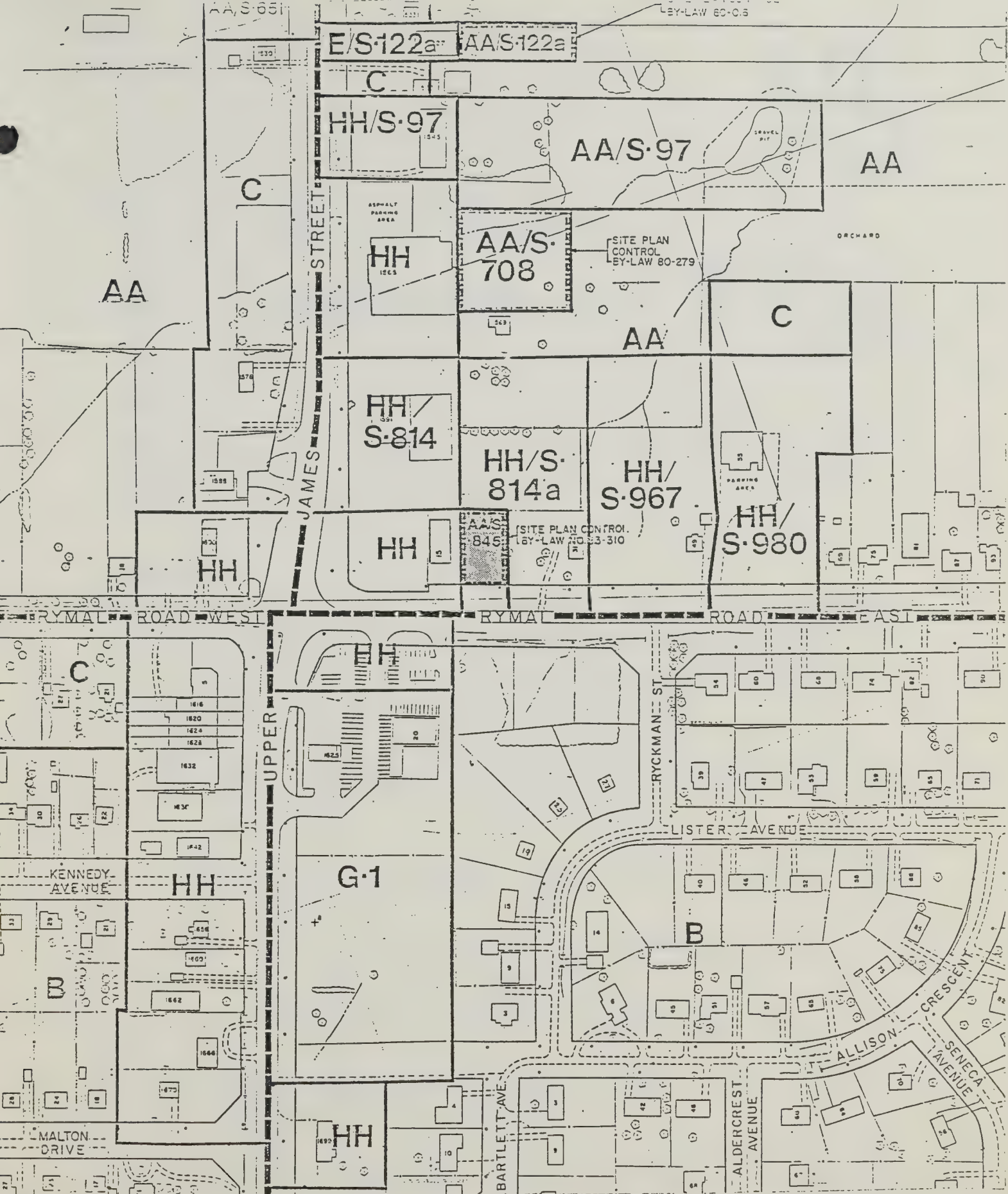
1. The proposal complies with the Official Plan.
2. The proposal complies with the intent of the approved Ryckmans Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - the parking lot use was previously established by way of a temporary By-law allowing the use of the site until such time as its permanent land use designation was established in a Neighbourhood Plan.
 - it implements the intent of both the Official Plan and the approved Ryckmans Neighbourhood Plan;
 - it implements the site plan (DA-83-44) approved for the overall development of this site;
 - the parking lot is a permitted use within the requested "HH" District, and in addition, established uniform zoning for the entire site.
 - the parking lot use is compatible with adjoining automotive related commercial development.

4. To ensure that the 3.0 meter wide landscaped planting strip is provided and maintained within the lot and along the entire southerly lot line and that access to and from Rymal Road East is prohibited for the site, as required in By-law 85-11, the amending By-law should also include these provisions as special requirements.

CONCLUSION

On the basis of the foregoing, the proposal can be supported.

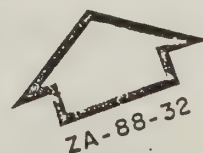
GAW/ma
WP0136P



LEGEND



SITE OF THE APPLICATION



13.

F O R A C T I O N

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 January 4
COMM FILE:
DEPT. FILE: ZA-88-68
 Strathcona
 Neighbourhood

SUBJECT:

Request for a change in zoning from "L-mr-2" (Planned Development - Multiple Residential) District to an appropriate Commercial/Residential District, to permit a barber shop as a home occupation type use for property located at No. 158 Dundurn Street North.

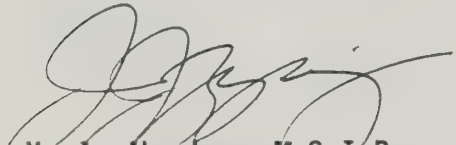
RECOMMENDATION

- (a) That approval be given to an amended Zoning Application ZA-88-68, Jose Inacio Santinhos and Ana Da Costa Santinhos, owners, for a modification to the established "L-mr-2" (Planned Development - Multiple Residential) District, to permit a barber shop as a home occupation type use, for property located at No. 158 Dundurn Street North, as shown on the attached map marked as APPENDIX "A" on the following basis:
- i) That the "L-mr-2" (Planned Development - Multiple Residential) District regulations as contained in Section 17B of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:
 - a) Notwithstanding the provisions of Section 2.(2)(H)(iii)(f) and (h) of By-law No. 6593, barbering shall be permitted as a home occupation:
 - i) carried on by not more than one barber having a principal and permanent place of residence on the premises; and,
 - ii) providing that operation is limited to not more than one barber chair and not more than one commercial sink.
 - ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject land on Zoning District Map W-11 be notated S- ;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-11 for City Council.
 - iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

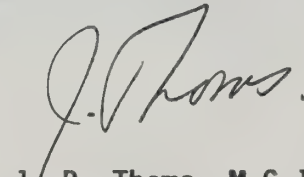
EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the established "L-mr-2" (Planned Development - Multiple Residential) District regulations applicable at No. 158 Dundurn Street North as shown on the attached plan marked as APPENDIX "A".

The effect of the By-law is to permit a barber shop, operated as a home occupation for one barber only. In addition, the By-law limits the barber shop to only one barber chair and one commercial sink.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- By-law 81-20

On January 13, 1981, City Council passed By-law 81-20, which was approved by the Ontario Municipal Board on April 10, 1981. The effect of the By-law was to prohibit, among other uses, hairdressing and barbering as a "Home Occupation".

- Current Proposal

It is the applicants intention to establish a barber shop as a home occupation use in part of the existing owner occupied single-family dwelling, as a means of supplementing the family income.

APPLICANTS

Jose Inacio Santinhos and Ana Da Costa Santinhos, owners.

LOT SIZE AND AREA

- 12.49 m (41.0 ft.) of lot frontage on Dundurn Street North;
- 18.75 m (61.5 ft.) of lot depth; and
- 234.25 m² (2,521.5 sq.ft.) of lot area.

LAND USE AND ZONING

| <u>SUBJECT LANDS</u> | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|--------------------------|--|--|
| | Single-family dwelling. | "L-mr-2" (Planned Development - Multiple Residential) District. |
| <u>SURROUNDING LANDS</u> | | |
| to the north | Single-family dwelling. | "L-mr-2" (Planned Development - Multiple Residential) District. |
| to the south | Single-family and two-family dwellings. | "D" (Urban Protected Residential - One and Two - Family Dwellings, Townhouses, etc.) District. |
| to the east | Single-family dwellings and a parking lot. | "L-mr-2" (Planned Development Multiple Residential) District. |
| to the west | A hotel. | "H" (Community Shopping & Commercial, etc.) District, modified. |

OFFICIAL PLAN

Designated "Residential" or Schedule "A" - Land Use Concept Plan.

Policy A.2.1.4 permits "Home Occupations" in residentially designated areas provided that:

- i) A home occupation will be carried out within a dwelling unit only by an owner occupying the dwelling;
- ii) A home occupation will occupy only a limited floor area of the dwelling; and
- iii) The home occupation will not detract from the RESIDENTIAL character of the area.

On the basis of the foregoing, the proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "Medium Density Apartments" on the approved Strathcona Neighbourhood Plan, the proposal does not comply.

COMMENTS RECEIVED

- The Building Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee Staff have no comments or objections.

- The Traffic Department has advised that:

"The application for a change in zoning to permit what appears to be a home occupation use is satisfactory. Although no parking is required by the Zoning By-law for the proposed use, we are concerned that the patrons arriving by car will have to rely on the on-street parking on the adjacent residential streets since only one space is available on the subject lands".

- The Hamilton-Wentworth Engineering Department has advised that:

"public watermains and combined storm/sanitary sewers are available to service the subject lands.

We do not anticipate any further road allowance widenings at this time.

According to plans submitted by the applicant, the existing steps at No. 158 Dundurn Street North encroach into the road allowance. We recommend that the applicant enter into an encroachment agreement with the Region as a condition of development approval.

Comments from the City Traffic Department should be considered since it appears that any parking associated with this proposal would likely spill over to the adjacent side streets.

The subject lands are designated for medium density apartments on the approved neighbourhood plan. We therefore recommend that the intent of the neighbourhood plan should be maintained or the plan should be revised by the appropriate Committee and Council".

COMMENTS

1. The proposal complies with the Official Plan.
2. On the basis that the principal use of land is to remain as residential, the proposal would not conflict with the intent of the approved Strathcona Neighbourhood Plan.
3. Subsequent to the passing of By-law No. 81-20 (see background) the Planning and Development Committee and City Council have approved a number of similar zoning applications to establish "hairstylist" or "barbers" as "Home Occupation" use, with limitations on the size of the operation, e.g. limited to one styling sink, one comb-out centre.

It appears that these restrictions have effectively mitigated the problems previously associated with "hairstyling" or "barbering" as a "Home Occupation" in that no complaints have been received by the Building Health or Traffic Departments, respecting the newly established operation.

4. Taking into consideration the foregoing and the fact that:
 1. The business is carried on by not more than one barber having a principal and permanent place of residence on the premises, and is only part time in nature and caters primarily to the walk-in trade from area residents;
 2. The proposal should not adversely affect the demand for on-street parking in this area; and that,
 3. The business will not alter the residential character of the existing dwelling;
 4. Home occupation uses are restricted to any part of the basement or cellar and not more than 15% of the habitable floor area of the dwelling unit.

The proposal warrants consideration providing the operation is limited to not more than one barber chair and not more than one commercial sink in the operation of the business.

5. Regarding the zoning of the site, it is suggested that rather than establish a commercial/residential zoning at this time, it would be more appropriate to modify the established "L-mr-2" District. This would maintain the established "L-mr-2" zoning for the possible assembly and redevelopment of the lands adjacent to the intersection of Dundurn Street North and York Boulevard.

CONCLUSION

On the basis of the foregoing, approval can be given to an amended application for a modification to the established "L-mr-2" District to permit the home occupation type use.

GW/ma

WP0136P

[SITE PLAN CONTROL
 [BY-LAW 80-013

C O L U R N

PAGE -

BATTERY
LODGE

A/S-569

~~SITE PLAN CONTROL
BY-LAW 81-025~~

BLVD

LMR-2

Lmr.2
S-717a

H/S-
608

H/S

HS:

Legend

Site of the Application

ZA88-68

APPENDIX A

FOR ACTION

14.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 January 4
COMM FILE:
DEPT. FILE: ZA-88-93
LAWFIELD NEIGHBOURHOOD

SUBJECT:

Request for a modification to the established "C" (Urban Protected Residential, etc.) District to allow a hairdresser as a home occupation use for property located at No. 101 Folkestone Avenue.

RECOMMENDATION

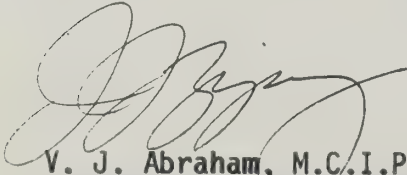
- a) That approval be given to Zoning Application ZA-88-93, Doug and Cathy Earle, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations to allow a hairdresser as a home occupation use, for property located at No. 101 Folkestone Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-Law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
- a) Notwithstanding paragraphs (f) and (h) of Section 2(2)H.(iii), hairdressing shall be permitted as a home occupation on the following basis:
1. it is carried on by not more than one hairdresser having a principal and permanent place of residence on the premises; and,
 2. there is not more than one comb-out centre and one styling sink.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Map W-13 be notated S- ;

- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38a for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.


EXPLANATORY NOTE

The purpose of this By-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District regulations applicable to property located at No. 101 Folkestone Avenue, as shown on the attached map.

The effect of the By-law is to permit a hairdressing business as a home occupation use for one hairdresser who resides on the premises as their principal place of residence.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS N/A

BACKGROUND

It is the applicants' intention to establish a hairdressing business as a home occupation use within a 9' x 16' room in the dwelling with one comb-out centre, one styling sink and one dryer.

APPLICANTS

Doug and Cathy Earle, owner.

LOT SIZE AND AREA

- 16.15 m (53.0 ft.) of lot frontage;
- 32.0 m (105.0 ft.) of lot depth; and,
- 516.98 m² (5,565 sq. ft.).

LAND USE AND ZONING

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------|--|--|
| <u>Subject Lands</u> | Single-family dwelling | "C" (Urban Protected Residential, etc.) District |
| <u>Surrounding Lands</u> | | |
| To the north | Lawfield Arena Single-family dwellings | "C" (Urban Protected Residential, etc.) District |
| To the south and east | Single-family dwellings | "C" (Urban Protected Residential, etc.) District |
| To the west | Single-family and semi-detached dwellings | "C" (Urban Protected Residential, etc.) District |

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential use, the proposal complies.

COMMENTS RECEIVED

- The Building Department has advised that:
 1. "A "C" zoning district does not permit commercial uses.
 2. A hairdressing establishment as a "home occupation" contravenes Section 2.(2)H.(iii)(f) and (h) of Zoning By-law No. 6593.
 3. This Department recommends that the home occupation be limited to not more than one hairdresser, one comb-out centre, one hair styling sink, and one hair dryer chair."
- The Traffic Department, Hamilton Region Conservation Authority, The Local Architectural Conservation Advisory Committee Staff have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised:

".....that public watermains as well as sanitary and storm sewers are available to service the subject lands.

Any work within the adjacent road allowances must conform to the City's Streets By-law.

COMMENTS

1. The proposal would not conflict with the intent of the Official Plan or the approved Lawfield Neighbourhood Plan.
2. The Planning and Development Committee and City Council are on record as supporting a number of similar applications to establish hairdressing as a home occupation. Each operation approved was limited to one hairdresser living on the premises, one comb-out centre and one styling sink.

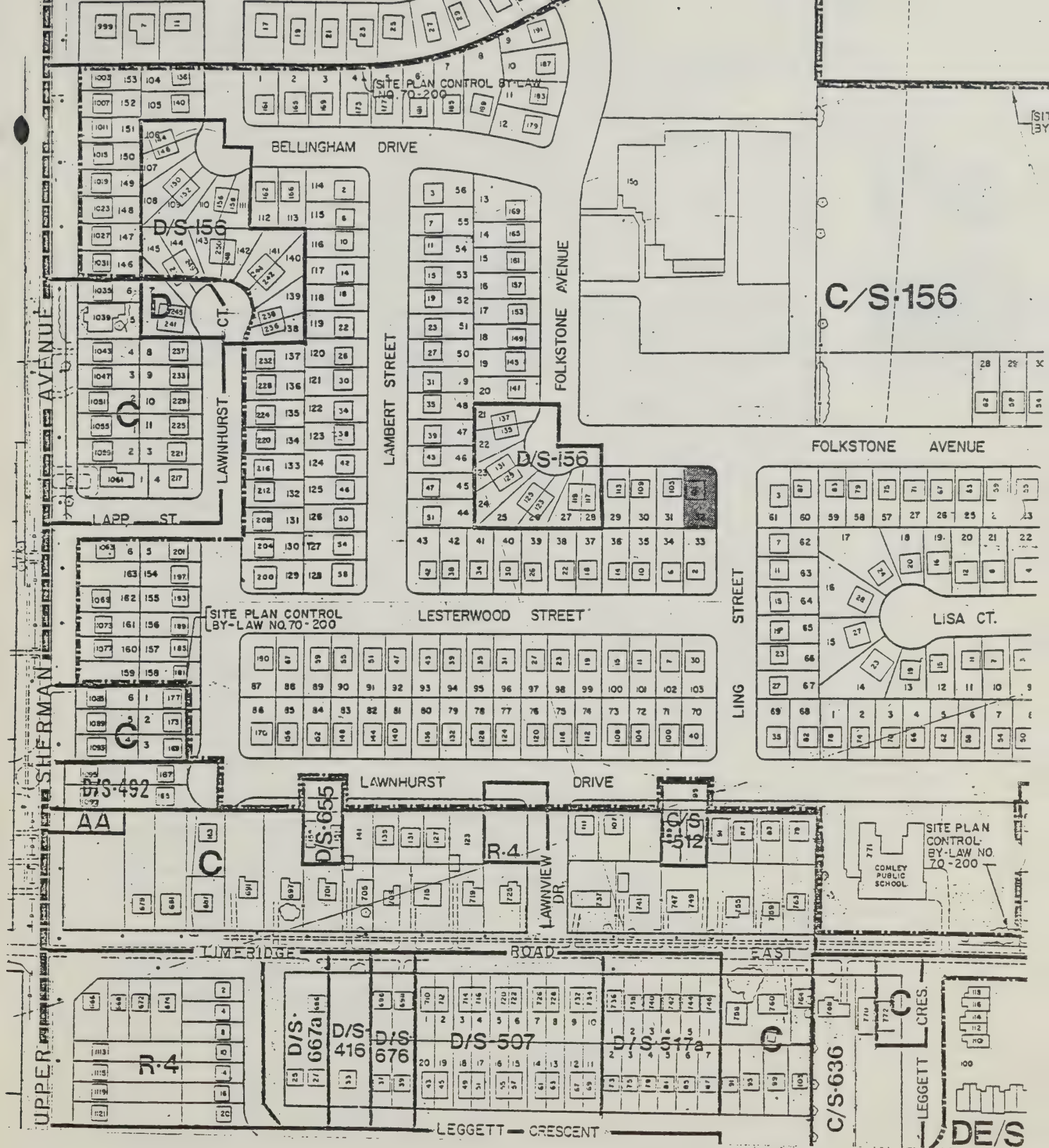
The size limitations placed on hairdressing as a home occupation has effectively reduced the problems associated with this use. The Building, Health and Traffic Department have received no complaints respecting these facilities.

3. The proposal has merit and warrants consideration for the following reasons:
 - a) the business is only part-time in nature and is primarily related to the walk-in trade from area residents;
 - b) the proposal should not adversely affect the demand for on-street parking in this area;
 - c) the business would be restricted to a limited amount of floor area within the dwelling (15%);
 - d) the business would not alter the residential character of the existing dwelling.

CONCLUSION

On the basis of the foregoing, the application can be supported.

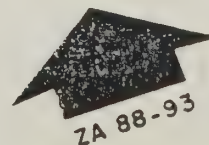
G.A.W.:nd
W.P. DOC. 0019P



LEGEND



SITE OF THE APPLICATION



JAN 4 1988

6 Lesterwood Street
Hamilton, Ontario
L8V 4P5

December 30, 1988

149.

Dear Sir:

Re: Proposed Change
101 Folkestone Avenue

We are opposed to the proposed modification to the established "C" District regulations for property at 101 Folkestone Avenue. This property is located on a corner lot at the intersection of Ling Street and Folkestone Avenue.

At present, this property has very limited available parking. The driveway is extremely short, and the owners' car extends over the sidewalk. Pedestrians are forced to walk on the slanted driveway ramp. Parents pushing strollers have to actually walk on the road to go around the car. The owners' second car is always parked on the street, right near the corner.

This is a very busy intersection, heavily travelled by young school children on their way to and from Vern Ames, Lawfield, and St. Cecilia's Schools. The number of very young school children crossing at this corner will be increasing due to the closing of Comley School on Limeridge Road East. Many area high school students walk passed this corner and cross the street on their way to Barton Secondary School. There is a park with swings and a playground, and a recreation centre across the street. These facilities further increase the pedestrian and automobile traffic at this corner.

Because of the lack of available parking, customers would be required to park on the street. These vehicles, together with the owners' car already parked at this corner, would considerably reduce driver and pedestrian visibility. This would create a safety hazard for pedestrians and automobile drivers.

With such a large population of pre-school and school-aged children in this area, we feel that allowing a business to operate at this location (101 Folkestone) is not in the best interests of our community.

Sincerely,

Howard G. MacMillan

Wendy MacMillan

Encl.

FOR ACTION

15.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

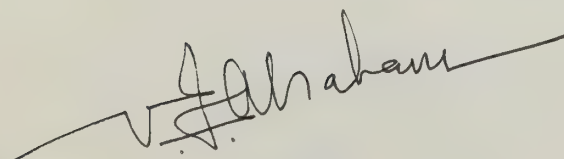
DATE: 1989 January 5
COMM FILE:
DEPT. FILE: ZA-88-95
RIVERDALE EAST
NEIGHBOURHOOD

SUBJECT:

Request for a modification to the established "C" (Urban Protected Residential, etc.) District to permit conversion of the existing dwelling located at No. 31 Lake Avenue North to an insurance office.

RECOMMENDATION

- a) That Zoning Application 89-95 Angela Rzazewski and Wesley Rzazewski, owner, requesting a modification to the "C" (Urban Protected Residential, etc.) District for property located at No. 31 Lake Avenue North, as shown on the attached map marked as APPENDIX "A", be denied for the following reasons:
- It is out of character and incompatible with existing residential development;
 - It represents an undesirable intrusion of a commercial use into an area of established single-family dwellings;
 - Approval of the application would establish an undesirable precedent and set the stage for future similar applications to extend commercial zoning along both sides of Lake Avenue North in the area north of Queenston Road;
 - it is questionable if sufficient off-street parking for the six employees and customers can be accommodated on the site without spillover effects on surrounding roadways;


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS N/A

BACKGROUND

The applicant recently purchased the subject property and, notwithstanding the provisions of the Zoning By-Law, proceeded to convert the existing single-family dwelling to an office for an insurance business. The business operation involves a total of 6 employees, working five days a week between the hours of 9:00 a.m. to 5:00 p.m. A recent site inspection of the property revealed that the entire front yard, side yard and most of the rear yard has been paved to accommodate off-street parking.

ORDER TO COMPLY

On September 9th, 1988 the Building Department issued an Order to Comply with respect to the illegal occupancy of the dwelling for a business within a "C" District.

APPLICANTS

Angela Rzazewski and Wesley Rzazewski, owners.

LOT SIZE AND AREA

- 12.192 m (40.0 ft.) of lot frontage on Lake Avenue;
- 44.80 m (147.0 ft.) average lot depth; and,
- 398.54 m² (4,290 sq. ft.) of lot area.

LAND USE AND ZONING

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------|---|--|
| <u>Subject Lands</u> | Single-family dwelling converted to an insurance office use | "C" (Urban Protected Residential, etc.) District |
| <u>Surrounding Lands</u> | | |
| To the north | Single-family dwellings | "C" (Urban Protected Residential, etc.) District |
| To the south | Single-family dwellings and a service station in the City of Stoney Creek | "C" (Urban Protected Residential, etc.) District in the City of Hamilton and "C3" General Commercial in the City of Stoney Creek |

| | | |
|-------------|--|---|
| To the east | Single-family dwellings semi-detached dwellings | "C" (Urban Protected Residential, etc.) District |
| To the west | Vacant | "A" (Conservation Open Space, Park and Recreation) District |

OFFICIAL PLAN

Designated "Residential", the proposal does not comply.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential use on the approved Riverdale East Neighbourhood Plan, the proposal does not comply.

COMMENTS RECEIVED

- The Building Department has advised that:
 - "1. The proposed use of an insurance broker's office is a commercial use and does not conform to the definition of a home occupation. Therefore, an insurance broker's office is not permitted in a "C" residential zoning district.
 2. The reference plan submitted does not show the building as it exists.
 3. In 1983, a building permit was issued to construct a rear addition and convert the existing pump house to a single-family dwelling. Committee of Adjustment Application A-88-67 approved the required parking space to be partially located in the required front yard so as to permit the addition and conversion.
- The Traffic Department has advised that "we have reviewed the above-noted application and have the following comments:

Even though the Zoning By-law does not require any parking to be provided, our information shows that there will be a minimum of six employees and additional customer demand for parking.

Because of the size of the property, we doubt that this parking demand can be accommodated on site. This will result in parking spillover onto adjacent residential streets."

- o The Hamilton Region Conservation Authority, The Department of Culture and Recreation, the Local Architectural Conservation Advisory Committee have no comments or objections.
- o The City of Stoney Creek has advised that:

"the lands to the south of 31 Lake Avenue North are zoned General Commercial "C-3" Zone in the City of Stoney Creek. The proposed commercial zoning of 31 Lake Avenue North would not conflict with potential adjacent commercial uses which may occur in the City of Stoney Creek.

Planning Staff of the City of Stoney Creek would have no objection to the approval of the application as circulated by your Department."
- o The Hamilton-Wentworth Engineering Department:

COMMENTS

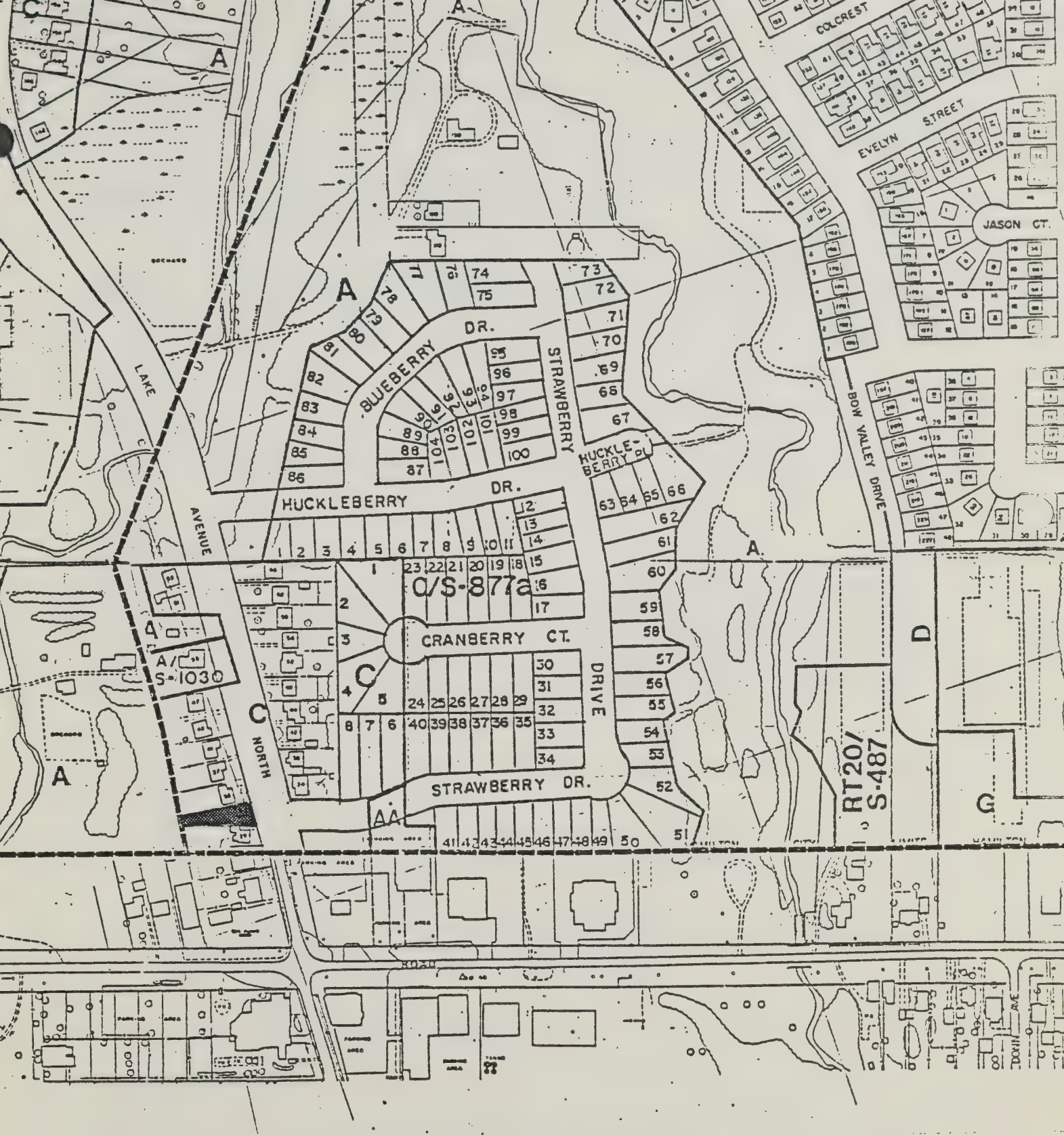
1. The proposal does not comply with the Official Plan. In this regard, should the application be approved, an amendment to the Official Plan would be required to establish a "Special Policy" to permit the office use within a "Residential" designation.
2. The proposal does not comply with the approved Riverdale East Neighbourhood Plan which designates the property for "Single and Double" residential use.
3. The proposal cannot be supported for the following reasons:
 - o it is out of character and incompatible with existing residential development;
 - o it represents an undesirable intrusion of a commercial use into an area of established single-family dwellings;
 - o approval of the application would establish an undesirable precedent and set the stage for future similar applications to extend commercial zoning along both sides of Lake Avenue North in the area north of Queenston Road;
 - o notwithstanding that the business would not require on-site parking because the gross floor area is less than 450 m² (4,844 sq. ft.), the site area is quite restricted, and it is questionable if sufficient off-street parking for the six employees and customers can be provided, resulting in spill-over onto the surrounding roadways;

- it would appear, based on information provided in the application, that the applicant proceeded to purchase the property and set-up the business with full knowledge that the use was not permitted.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

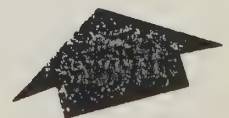
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Legend



Site of the Application



ZA 88-95

APPENDIX A

FOR ACTION

16.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 January 4
COMM FILE:
DEPT. FILE: ZA-88-103
Nashdale
Neighbourhood

SUBJECT:

Request for a change in zoning - south-west corner of Goderich Road and Centennial Parkway North.

RECOMMENDATION

That approval be given to an amended Zoning Application 88-103, Walter and Mary Matesa, owners, requesting a change in zoning from the "KK" (Restricted Heavy Industrial) District modified to the "HH" (Restricted Community Shopping and Commercial) District modified, to permit the expansion of the restaurant and parking lot on adjoining lands to the south located at No. 395 Centennial Parkway North, as shown on the attached map marked as APPENDIX "A", on the following basis:

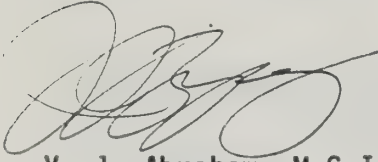
- i) That Schedule "A" to By-law No. 81-344 be amended by adding the subject lands thereto;
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-772a, and that the subject lands on Zoning District Map E-102 be notated S-772a;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law No. 81-344, and Zoning District Map E-102 for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

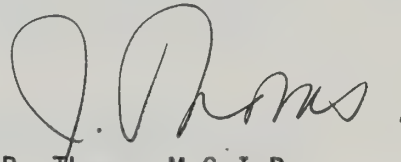
The purpose of the By-law is to provide for a change in zoning from the "KK" (Restricted Heavy Industrial) District modified to the "HH" (Restricted Community Shopping and Commercial) District modified, for property located at the south-west corner of Goderich Road and Centennial Parkway North, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit expansion of the restaurant and parking lot located on adjoining lands to the south at No. 395 Centennial Parkway South.

In addition, the lands will be regulated by By-law No. 81-344 which applies to the adjoining lands to the south, and permits only a motel, single-family dwelling, a restaurant, motel office use, and accessory uses.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal

The applicant has requested a change in zoning from the established "KK" (Restricted Heavy Industrial) District to the "HH" (Restricted Community Shopping and Commercial) District, to permit expansion of the restaurant and parking lot located on adjoining lands to the south at No. 395 Centennial Parkway South (Pinetree Restaurant).

- By-law No. 81-344

City Council passed By-law 81-344 on December 8, 1981 the purpose of which was to provide for a change in zoning from the "KK" (Restricted Heavy Industrial) District to "HH" (Restricted Community Shopping and Commercial) District for lands located at Nos. 395 and 397 Centennial Parkway North.

The effect of the By-law is to permit only a motel, a single-family dwelling, a restaurant, motel office use, and accessory uses on the affected lands.

APPLICANT

Walter and Mary Matesa, owners.

LOT SIZE AND AREA

An irregularly shaped parcel of land having approximately:

- 33.766 m (110.78 feet) of frontage on Goderich Road; and
- 1,236.4 m (13,308.9 sq.ft.) of lot area.

LAND USE AND ZONING

| <u>SUBJECT LANDS</u> | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|--------------------------|-----------------------------|--|
| | Vacant | "KK" (Restricted Heavy Industrial) District, modified. |
| <u>SURROUNDING LANDS</u> | | |
| to the north | Commercial Plaza | "KK" (Restricted Heavy Industrial) District, modified. |
| to the south | CN Rail line and Industrial | "KK" (Restricted Heavy Industrial) District, modified. |
| to the east | Industrial | "KK" (Restricted Heavy Industrial) District, modified. |
| to the west | Vacant | "KK" (Restricted Heavy Industrial) District, modified. |

OFFICIAL PLAN

The subject lands are designated "INDUSTRIAL" on Schedule "A" - Land Use Concept, and are also within SPECIAL POLICY AREA II" on Schedule "B" - Special Policy Areas. Accordingly, the following policies, among others, apply to the proposal:

- 2.3.1. The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition, to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:
 - i) Business enterprises such as, but not limited to banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the Industries and their personnel;
- 2.3.15 In addition to the ancillary uses that may be permitted in INDUSTRIAL areas as set out in Policy 2.3.1, clubs or establishments catering to leisure activities may be permitted in the LIGHT INDUSTRIAL category.
- 2.3.16 All new developments in the LIGHT INDUSTRIAL category will be subject to site plan control as provided by the Planning Act".

On the basis of the foregoing, the proposal complies with the intent of the Plan.

RESULTS OF CIRCULARIZATION

- The following agencies have no comment or objection:
 - LACAC;
 - Traffic Department;
 - Hamilton Region Conservation Authority;
 - Ministry of Transportation and Communications.
- The Hamilton-Wentworth Department of Engineering has advised as follows:

"...be advised that public watermains, as well as storm and sanitary sewers, are available to service the subject lands.

The applicant should be advised of a future road widening adjacent to Centennial Parkway as shown on the attached plan. It appears that the property may be re-developed; therefore, the dedication of these lands to the City may be required as a condition of the future development."

- The Building Department has advised as follows:

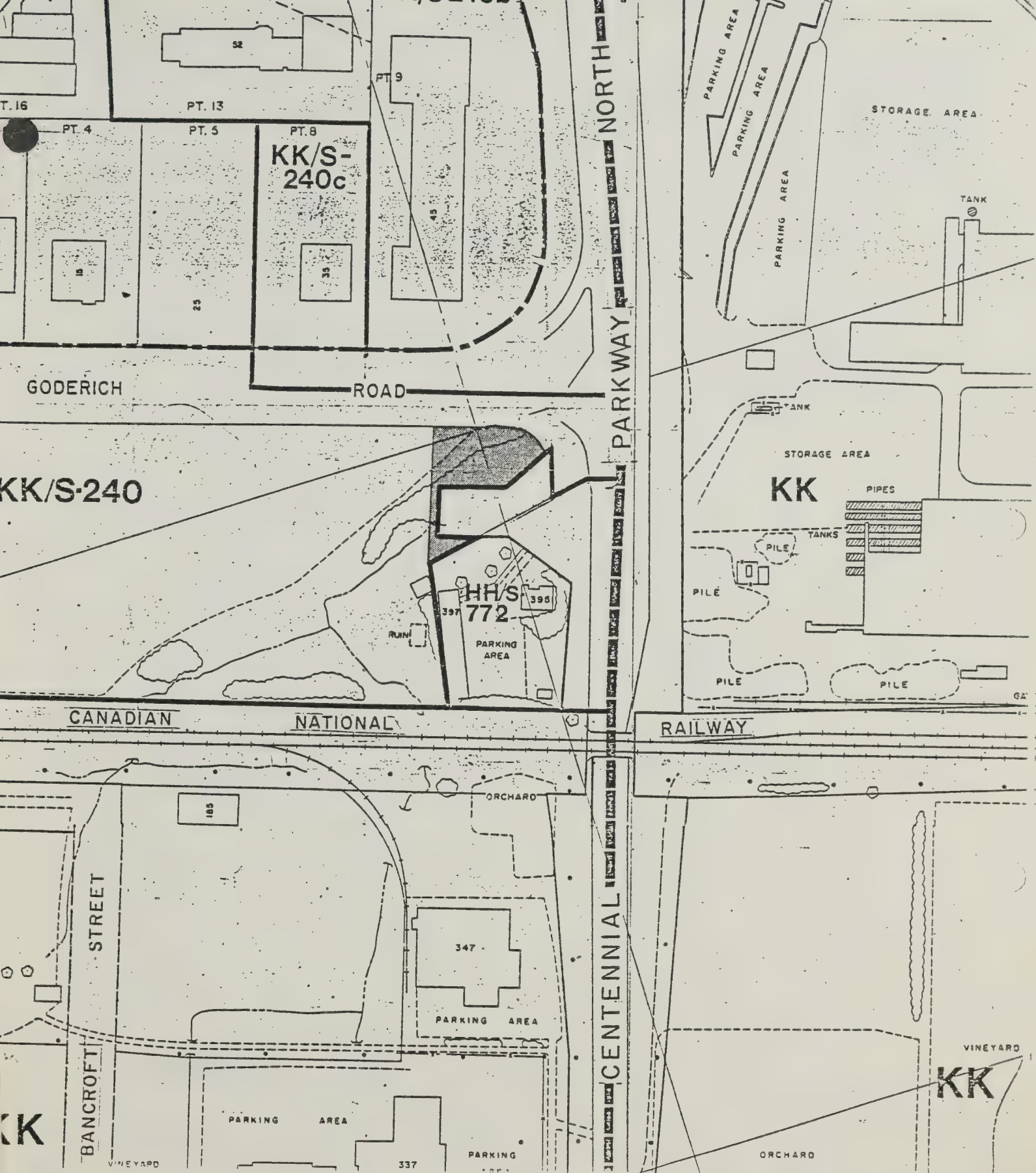
"The intent of this zoning application is to permit the expansion of the existing uses of the adjoining lands to the south. Therefore, it is recommended that these lands shall have the same special requirements of By-law 81-344, which pertains to the lands to the south."

COMMENTS

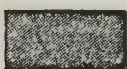
1. The proposal complies with the intent of the Official Plan.
2. The proposal has merit and can be supported for the following reasons:
 - it implements the intent of the Official Plan which permits business enterprises such as restaurants, which serve industries in the surrounding area;
 - it would be compatible with existing development in the surrounding area.
3. Considering that the applicant intends to expand the existing restaurant and parking area on the adjoining lands to the south, it would be appropriate to apply the same special requirements of By-law 81-344 which pertain to the adjoining lands.
4. Development of the subject lands would be subject to Site Plan Control, thereby allowing for the review of access, parking, etc.

CONCLUSION

On the basis of the foregoing, the application can be supported.



Legend



Site of the Application



FOR INFORMATION

17.

REPORT TO: Members
Planning and Development Committee

FROM: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

DATE: January 5, 1989
COMM FILE:
DEPT FILE:

SUBJECT: Subdivision Grading

Attached herewith is the recommendation of the Commissioner of Engineering dated 1988 September 30.

This report was presented to the Planning and Development Committee at its meeting held Wednesday, 1988 October 12th. The Committee agreed to TABLE this Report in order to receive the comments of the Hamilton and District Home Builders Association.

A meeting was held with staff and representatives of the Home Builders Association, and Mr. Joe Venditti of the Association will be speaking to the Committee on this matter.



SKR/wmr

BACKGROUND:

F O R A C T I O N

REPORT TO: S. REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER
 COMMISSIONER OF ENGINEERING

DATE: 1988 September 30
COMM FILE:
DEPT FILE: E205-05
I.D. 0246D(59)

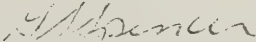
SUBJECT

Subdivision Grading.

RECOMMENDATION

That the following policy be adopted for grading standards on single and double family housing controlled by the subdivision process:

1. Definition: "Required back yard" shall mean the distance designated in the Zoning By-law.
2. The maximum slope in the back yard adjacent to the building for a distance equal to the required back yard shall be 7%, except as set out in Items 3 and 4.
3. The 7% restriction shall not apply to the sides of a swale along the sides or back of the lot, providing the total width of the swale shall not exceed one (1) metre.
4. Where the 7% restriction on the back yard grades results in elevation differences between different properties, retaining walls shall be constructed along the sides and the back of the lot. Slopes with a maximum of three horizontal to one vertical may replace the walls where the said difference in elevation is less than 0.3m.
5. There is no control on the steepness of the slopes in side yards, front yards and back yards, outside the area defined in (1) above, providing said slopes are stable for the soils of the area.
6. The retaining walls shall be located on the high lands.



G. S. Spencer
Commissioner of Engineering

BACKGROUND

A number of Aldermen have indicated that they are of the opinion that the City should expand its grading control to deal with the appearance of the required back yards. The recommendation in this report addresses this matter.

Cont'd...

- Page 2 -
September 30, 1988

Subdivision Grading

Cont'd...

The construction of the walls with heights in excess of one (1) metre is covered by existing policies. However, the style and material of walls between 0.3m and 1m would not be controlled by the City, in accordance with recommendation of the Task Force on Grading.

The contents of this report have not been discussed with the Housing Industry. Should you wish this carried out, then we recommend that this report be tabled.

KAB: cab.

CA4 ON HBL AOS
C51P4

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

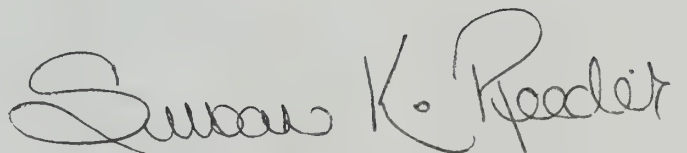
THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK -

1989 January 26

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1989 February 1st
1:00 O'CLOCK P.M.
Room 233, City Hall


Susan K. Reeder
Secretary

SKR/mc

PLEASE NOTE EARLIER START TIME

NOTE: The Presentation of the Report of the Task Force to Review the Mandate and Structure of the Hamilton Harbour Commissioners, scheduled for this meeting of the Planning and Development Committee, has been rescheduled to the Committee meeting of Wednesday, 1989 February 15 at 12:00 o'clock noon in order to allow for sufficient presentation preparation.

A G E N D A

1. Minutes of the meetings held 1988 December 13, 1988 December 14 and 1989 January 11.

BUILDING COMMISSIONER

2. Demolition Permit Applications

DIRECTOR OF COMMUNITY DEVELOPMENT

3. Downtown Action Plan Co-ordinating Committee - Items of Reference
4. Crown Point West/Stipeley PRIDE Phase I; Authorization to Sign the Municipal/Provincial Agreement
5. Revised Boards of Management - 1989-1991
 - (a) International Village Business Improvement Area
 - (b) Westdale Village Business Improvement Area
 - (c) Ottawa Street Business Improvement Area
 - (d) Concession Street Business Improvement Area
 - (e) Barton General Business Improvement Area
 - (f) Downtown Promenade Business Improvement Area
 - (g) Jamesville Business Improvement Area
6. Proposed Budget and Schedule of Payments - 1989
 - (a) Downtown Promenade Business Improvement Area
 - (b) Concession Street Business Improvement Area
 - (c) Westdale Village Business Improvement Area
 - (d) Barton General Business Improvement Area
 - (e) Ottawa Street Business Improvement Area

COMMISSIONER OF ENGINEERING

7. Cash Payment in lieu of 5% Parkland dedication
 - (a) "Bentwood Place"
 - (b) "Templemead No. 3 Survey"

CITY SOLICITOR

8. Butler et al vs. City/Architects Fees re: Library, Farmers' Market

REFERRAL FROM REGIONAL COUNCIL

9. Amendment to the Trenholme Neighbourhood Plan re: North-South Parkway:
Dartnall Road Interchange

ALDERMAN ROSS

10. "Public Meeting of the Planning and Development Committee" Notices

ALDERMAN MERLING

11. Lot Severance - #1 Bull's Lane

ALDERMAN AGOSTINO

12. Garbage Chutes - Apartment Buildings
 - (a) Report - Building Commissioner
 - (b) Letter of Submission Marcel Mongeon

DIRECTOR OF LOCAL PLANNING

13. Proposed Draft Plan of Subdivision "Anchor Road Industrial Park"
14. Proposed Draft Plan of Condominium "Mount Albion Park"
15. Site Plan Control Application DA-88-119- property at 36 and 42 James Street South
16. Revised resolution for proposed Official Plan Amendment No. 70 and City Initiative 88-M
17. Draft Provincial Housing Policy Statement - City of Hamilton Response
18. Falkirk East Neighbourhood Plan Amendment
Proposed land exchange - Hamilton-Wentworth Roman Catholic Separate School Board and City of Hamilton

ZONING APPLICATIONS
COUNCIL CHAMBERS
3:00 O'CLOCK P.M.

19. Zoning Application 88-73 - 17 Fairmount Avenue

- (a) Letter of submission - Mr. E.J. Rowbottom, 57 Fairmount Avenue
- (b) Letter of submission - Robert B. Munroe, 48 Undermount Avenue

3:00 O'CLOCK P.M.

20. City Initiative 88-G - 25-31 Clinton Street

- (a) Letter of submission - Daniel Peace, 176 Princess Street

21. Zoning Application 88-100 - 242 Jackson Street East

22. Zoning Application 88-26 - 1780-1808 Main Street West

- (a) Letter of submission - L. M. Chisholm, 1760 Main St. W. #1113

3:15 O'CLOCK P.M.

23. Zoning Application 88-101 - 282-288 Grays Road

- (a) Letter of submission - J. R. Yanchus
- (b) Letter of submission - Mr. J. Stacey, 380 Celtic Drive
- (c) Letter of submission - Dr. Nucciarone, 376 Celtic Drive
- (d) Letter of submission - Mr. & Mrs. W. Kool, 378 Celtic Drive
- (e) Letter of submission - Lois Pantalone

24. Other Business

25. Adjournment

Tuesday, December 13, 1988
7:15 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

As Special Session to consider a recommendation respecting a Proposed Expansion of Cinemas in L. D. Jackson Square.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor R. Morrow
Alderman M. Kiss
Alderman W. McCulloch
Alderman B. Hinkley
Alderman D. Christopherson
Alderman H. Merling
Alderman D. Ross

Also present: Mr. D. Vyce, Director of Property
Mr. K. Rouff, City Solicitor

The Committee approved the following recommendation of the Director of Property respecting the proposed expansion of the cinemas in L.D. Jackson Square:

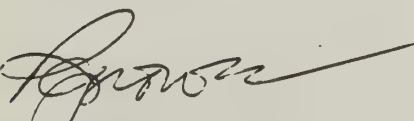
1. (a) That the City of Hamilton enter into an Agreement with First Phase Civic Square Limited and Yale Properties Ltd. dated 1988 December 1 in the form attached hereto as Appendix "A" which amends the Ground Lease between the parties dated 1970 October 30 and registered on 1971 March 30 and grants formal approval to First Phase and Yale to their proposed plans to alter and expand the cinemas of the L. D. Jackson Square.

By entering this Agreement, the City of Hamilton in its capacity as Lessor under the Ground Lease, hereby grants its approval:

- (i) to the plans of the said alterations and cinema expansion,
 - (ii) to the construction of the alterations in accordance with the said plans and the Ground Lease, provided the improvements are commenced until the Agreement is fully executed and registered.
 - (iii) to the changes to the external appearance of the Improvements resulting from the cinema expansion.
 - (iv) to diminish the area of Publicly Usable Open Space of First Phase by the area of the cinema alterations namely 14,380 square feet, to provide a new plan showing the revised Publicly Usable Open Space and to increase the Net Rentable Area of the improvements of First Phase by 17,555 square feet.
- (b) That the Mayor and City Clerk be authorized to execute the amending Agreement on behalf of the City.

There being no further business the meeting was adjourned.

TAKEN AS READ AND APPROVED.


R. C. Prowse,
Secretary

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT

/mc

NOTE: The resulting total of \$1,500.00 will cover proposed orders of Standards and Books for 1988 as well as eliminating the present overdraft of \$93.50 as indicated in the budget expenditures account balance of 1988 November 18.

Capital Projects -
Hamilton Housing
Company Limited

The Committee was in receipt of a report from the Director of Property dated 1988 November 30, respecting Capital Projects for 1989 - 1993.

The Committee approved the following:

That the following project of the Hamilton Housing Company Limited be forwarded to the Co-ordinating Committee for consideration in the 1989 -1993 Capital Budget.

| <u>PROJECT</u> | <u>COST</u> | <u>YEAR</u> |
|---|--------------|-------------|
| Heating and Electrical System - Ada Pritchard and Macassa Park Apartments | \$150,000.00 | 1990 |

Installation of
Lighting Fixtures &
Poles - Westdale
Village

The Committee was in receipt of a report from the Manager of Purchasing dated 1988 November 29, respecting installation of lighting fixtures and poles, Westdale Village.

The Committee approved the following:

That a purchase order be issued to Weinmann Electric Ltd., Fort Erie in the amount of \$35,738.00 for the INSTALLATION of Lighting Fixtures and poles for Westdale Village, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Only tender received. Funds provided in Commercial Improvement Programme; Westdale Village Account #0405-K75205.

As this work is to be completed as soon as possible, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: The Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

SUPPLY & DELIVERY of
Lighting Fixtures
and poles - Westdale
Village

The Committee was in receipt of a report from the Manager of Purchasing dated 1988 November 29 respecting supply and delivery of lighting fixtures and poles, Westdale Village.

The Committee approved the following:

That a purchase order be issued to Wesco, Hamilton in the amount of \$44,609.19 for the SUPPLY AND DELIVERY of Lighting Fixtures and Poles for Westdale Village, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of four (4) tenders received. Funds provided in Commercial Improvement Programme; Westdale Village Account #0405-K75205.

As this work is to be completed as soon as possible, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

Severance Application
- Cash in Lieu -
Upper Wellington
Street

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 December 5 respecting severance application H-150-88, Upper Wellington Street, Hamilton (cash payment in lieu of 5% parkland dedication).

The Committee approved the following:

That the Corporation of the City of Hamilton accept the sum of \$30,200.00 as cash payment in lieu of the 5% dedication in connection with Severance Application H-150-88 on the east side of Upper Wellington Street between Stone Church Road and Brigade Drive, this being the cash requirement under Section 52 of the Planning Act.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 December 7 respecting Eaglewood Manor, Hamilton (cash payment in lieu of 5% parkland dedication).

Cash in Lieu -
Eaglewood Manor

The Committee approved the following:

That the City of Hamilton accept the sum of \$15,450.00 as cash payment in lieu of 5% dedication in connection with "Eaglewood Manor", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

NOTE: These lands are located west of Upper Gage Avenue and south of Stone Church Road in the Eleanor Neighbourhood.

The Committee was in receipt of a report from the City Clerk dated 1988 December 6 respecting citizen appointments to the Local Architectural Conservation Advisory Committee.

Citizen Appointments
- LACAC

The Committee was also in receipt of a report from the City Clerk dated 1988 December 12 respecting a late letter of application to the LACAC from Mr. D. Cuming.

The Committee agreed to TABLE this matter in order that Alderman McCulloch could be given the opportunity to discuss the appointments with various persons associated with LACAC and come back to the Planning and Development Committee with a recommendation.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 December 2 respecting proposed draft plan of subdivision "Blossom Estates".

Proposed Draft Plan
of Sub-Division
"Blossom Estates"

The Committee approved the following:

- (a) That APPROVAL be given to subdivision application 88-17, "Blossom Estates," Vincent Citino and John Piano, owners, to establish a draft plan of subdivision, west of the West Fifth Street, north of Stone Church Road East, subject to the following conditions:
- (i) That this approval apply to the plan prepared by A. J. Clarke & Associates, dated 1988 July 27, showing 20 lots, one block (Block "21") for development with adjacent lands and one block (Block "22") as a road widening.
 - (ii) That the owner acquire sufficient land to establish all streets included in the final plan to the full required width, if the required land is not to be established as public highway by City of Hamilton by-law.
 - (iii) That the owner is responsible for the full cost of establishing Street "A" between West Fifth Street and proposed street "B".
 - (iv) That only those parts of the plan to which road access and municipal services are available shall be released for registration.
 - (v) That the streets and street widening (Block "22") be dedicated as public highways on the final plan.
 - (vi) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

- (vii) That the final plan conform with the Zoning By-law approved under The Planning Act.
 - (viii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (ix) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (x) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (xi) That any dead-end or open side of the road allowances created by plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and to be held by the City until required for the extension of the road allowance or for the development of abutting lands.
 - (xii) That Block "21" be developed only in conjunction with abutting lands.
 - (xiii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (xiv) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
 - (xv) That the owner receive a demolition permit in accordance with the "Rental Control Act" for the rented existing single-family dwelling.
- (b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-17), Vincent Citino and John Piano, owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
 - (c) That the neighbourhood plan be amended accordingly.
 - (d) That street "B" across the City lands and the westerly 10.0m widening of Forbes Street be established by a by-law and the Department of Engineering be instructed to prepare the appropriate by-laws.

City Initiative
88-M-Burlington St.
E., Oliver St.,
Wilfred St. &
Wentworth St., and
bounded by Wentworth
St. N., Niagara St.
& Land Street

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 December 6 respecting City Initiative 88-M for property bounded by Burlington Street East, Oliver Street, Wilfred Street and Wentworth Street, and bounded by Wentworth Street North, Niagara Street and Land Street.

The Committee approved the following recommendation:

- (a) That APPROVAL be given to Official Plan Amendment No. 70, to redesignate the subject lands from "Utilities" to "Industrial" and to extend "Special Policy Area 11", and that the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That APPROVAL be given to City Initiative 88-M to re-establish the "K" (Heavy Industry, etc.) District modified zoning applicable to the lands bounded by Burlington Street East, Oliver Street, Wilfred Street and Wentworth Street, and bounded by Wentworth Street North, Niagara Street and Land Street, shown as "Blocks 1" and "2" on the attached map marked as APPENDIX "A", on the following basis:

- (i) That Schedule "A3" to By-law No. 83-240 be amended by deleting the subject lands shown as Blocks "3" and "4" there from; and that the text of By-law 83-240 be appropriately amended;
- (ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps-E-10, E-11 and E-19 for presentation to City Council;
- (iii) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 70 by the Regional Municipality of Hamilton-Wentworth.

NOTE: The purpose of the By-law is to delete the blocks of land bounded by Burlington Street East, Oliver Street, Wilfred Street and Wentworth Street North, Niagara Street and Land Street, shown as Blocks "1" and "2" from Schedule "A3" to By-law No. 83-240.

The effect of the By-law is to repeal the proposed "F-4" (Waterfront Services) District modified zoning on the subject lands (not yet approved), thereby re-establishing the former "K" (Heavy Industry, etc.) District modified zoning.

The Committee also agreed that an information letter be sent to people in the area to advise them of the City's action with respect to the above noted City initiative.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 December 2 respecting exclusionary zoning and the draft Provincial Housing Policy statement - resolution from the township of Kingston.

The Committee approved the following:

- (a) That Hamilton City Council support the Township of Kingston's resolution requesting the Provincial Government to consider the issue of exclusionary zoning in the context of a formal Housing Policy Statement, instead of introducing a separate Bill prior to the finalization of the Housing Policy Statement, attached herewith and marked Appendix "B", and,
- (b) That the City Clerk inform the Township of Kingston of City Council's decision.

Alderman Christopherson and Alderman Hinkley opposed.

Alderman Hinkley requested that the Committee approve holding the February 1st meeting of the Planning and Development Committee at 12:00 noon for the purpose of receiving the report of the task force to review the mandate and structure of the Hamilton Harbour Commissioner. Alderman Hinkley requested that 12:00 noon commence with a luncheon, should be followed by a presentation of the report. The Committee agreed that this should take place.

The Committee then moved to the City Hall Council Chambers for the purpose of hearing zoning applications.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 December 9 respecting zoning application 88-76 for property at 1167 Rymal Road East.

The Committee approved the following:

That APPROVAL be given to Zoning Application 88-76, Commisso and Pobega Limited, owner, for a modification to the established "M-11" (Prestige Industrial) District regulations, to allow a "Garden Centre" as an additional use on the property located at No. 1167 Rymal Road East, as shown on the attached map marked as APPENDIX "C", on the following basis:

Information to be sent ie:C.I. 88-M

Resolution -
Township of Kingston
- exclusionary
zoning

Presentation of
Report - Task Force
to Review the Mandate
and Structure of the
Hamilton Harbour
Commissioners

ZA88-76 -
1167 Rymal Road East

- (a) That the "M-11" (Prestige Industrial) District regulations as contained in Section 17C of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement:

- (i) That notwithstanding Section 17C (1)(c) the following additional commercial use shall be permitted:

S.I.C. Identification No.
6522

Commercial Use
Lawn and Garden Centres

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1106, and that the subject lands on zoning District Map E-59D be notated S-1106;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for a modification to the "M-11" (Prestige Industrial) District regulations for property located at No. 1167 Rymal Road East.

The effect of the By-law is to permit a "Garden Centre" as an additional use on the site.

ZA88-73-
17 Fairmount Avenue

The Committee was in receipt of a report from the Commissioner, Planning and Development dated 1988 December 6 respecting zoning application 88-73 for property at 17 Fairmount Avenue.

The report of the circularization was given as follows:

199 notices sent; 12 in favour 25 opposed

Mr. Hutton, a representative of the owner at 25 Fairmount, spoke to the Committee in support of the Committee denying the application.

Mr. Placidi, 28 Fairmount, spoke to the Committee and supported denying the application.

Mr. P. Vuurman, applicant, spoke to the Committee in support of his application. He said that there are other similar triplexes in the area, and that approval of his application would not be precedent-setting.

Following discussion on this matter by the Committee, it was agreed that this application be TABLED in order that Alderman Kiss, one of the Ward Aldermen, be given the opportunity to discuss this application with all parties concerned in order to arrive at a mutually agreeable solution.

Alderman McCulloch and Alderman Smith opposed.

ZA88-56 -
106 and 108 Canada St.

The Committee was in receipt of a report from the Commissioner of Planning and Development, dated 1988 December 7 respecting zoning application 88-56 for property at 106 and 108 Canada Street.

Mr. Taylor, 107 Canada Street spoke in opposition to the application.

Mrs. Currie, 104 Canada Street spoke in opposition to the application and indicated that there is a shortage of parking in the area already.

Mrs. Libke, 102 Canada Street spoke in opposition to the application and indicated that she feels there is limited parking in the area already and that approval of this application would devalue her property.

Mr. T. Butler, representative of the applicant spoke in support of the application. The solicitor on behalf of the applicant also spoke in support of the application.

The Committee then voted on this matter and denied the application. Staff were directed to write up the appropriate denial for City Council.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 November 30 respecting zoning application 88-89, for property at the rear of 66 and 70 Kennedy Avenue.

ZA88-89 -
Rear of 66 and 70
Kennedy Avenue

The Committee approved the following:

That **APPROVAL** be given to Zoning Application 88-89, Norman and Louise Lewis and Robert and Marilyn Mueller, owners, requesting a change in zoning from the "B" (Suburban Agriculture and Residential, etc.) District to the "C" (Urban Protected Residential, etc.) District to permit the creation of two building lots for single-family dwellings, for lands located at the rear of Nos. 66 and 70 Kennedy Avenue as shown on the attached map marked as "APPENDIX "E", on the following basis:

- (a) That the subject lands be rezoned from the "B" Suburban Agriculture and Residential, etc.) District to the "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from the "B" (Suburban Agriculture and Residential, etc.) District to the "C" (Urban Protected Residential, etc.) District for lands located at Nos. 66 and 70 Kennedy Avenue.

The effect of the By-law is to allow for the severance of the subject properties to create two single-family dwelling building lots fronting onto Christie Street.

The Committee was in receipt of a letter from the designer of the project for zoning application 88-84 for property at 581 and 583 King Street West.

ZA88-84 -
581 and 583 King
Street West

The designer wrote to the Committee that staff have indicated that the proposal is an over intense use of the land and that a negative recommendation would be presented to the Committee. In view of this, the designer is asking that the matter be tabled in order that he can discuss amendments to the application with the property owner, who is presently out of the country.

The Committee agreed to **TABLE** this matter in order that the project may be reviewed by the owner.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 December 7 respecting zoning application 88-86 for property on the west side of Upper Wellington Street, south of Stone Church Road East.

ZA88-86 -
West side of Upper
Wellington Street,
South of Stone
Church Road East

Report of the circularization was given as follows:

203 Notices sent; 28 in favour 2 opposed.

The Committee approved the following:

That APPROVAL be given to Zoning Application 88-86 Wellington Chase Inc., owner, for a modification to the "E-2" (Multiple Dwellings) District, for property located on the east side of Upper Wellington Street, south of Stone Church Road East, as shown on the attached map marked as APPENDIX "F", on the following basis:

- (a) That the "E-2" (Multiple Dwellings) District regulations as contained in Section 11B of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements.
 - (i) Notwithstanding the provision of Section 11B(2)(ii) and (iii) of Zoning By-law No. 6593 the maximum height of buildings or structures shall be five stories.
 - (ii) Notwithstanding the provisions of Section 11B(5) of Zoning By-law No. 6593 the density of development shall not exceed 50 units per gross hectare (20 units per gross acre) with respect to multiple dwelling development.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1107, and that the subject lands on zoning District Maps E-18C and E-18D be notated S-1107;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18C and E-18D
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (e) That the Barnstown Neighbourhood Plan be amended by redesignating the subject lands from "Medium Density Apartments" to a "Low Density Apartment" land use.

NOTE: The purpose of the By-law is to provide for a modification to the established "E-2" (Multiple Dwellings) District regulations applicable to lands located on the east side of Upper Wellington Street in the area south of Stone Church Road East.

The effect of the By-law is to provide for the following By-law variances as special requirements:

- a) to restrict the maximum height of buildings or structures on the site to five stories whereas a maximum height of eight stories would normally be permitted (Section 11B(2)(ii) and (iii)).
- b) to restrict the density of development on the site to 50 units per gross hectare with respect to multiple dwelling developments.

The Committee was in receipt of report from the Commissioner of Planning and Development dated 1988 December 1 respecting zoning application 88-81 for property at 105 Aberdeen Avenue.

Report of the circularization was given as follows:

84 Notices sent; 8 in favour 20 opposed.

Mrs. Mazza, 332 Bay Street South spoke on behalf of numerous persons in the area opposed to the application. Mrs. Mazza referred to letters of submission which were sent to the Committee of Adjustment when this matter was presented before them and submitted a copy of those letters of opposition.

Mr. Forest, a property owner of land next to the Aberdeen property spoke to the Committee in opposition of the application. He indicated that the property is a large home and should be preserved on its architectural merits and is opposed to the property being converted into condominium units.

Mr. Marvin Sheppard, 104 Aberdeen Avenue spoke in opposition to the application. He indicated that this property was purchased by the present numbered company who now owns the property, before a single family was able to put in an offer to purchase. He added that the house price is now considerably higher than the company paid for it.

Mrs. Metcalf, 4 Turner Avenue spoke in opposition to the application and expressed frustrations at the information being given to the neighbours by the Developer.

Mrs. Young, 327 Bay Street South spoke in opposition to the application and encouraged the Committee to uphold the status of the Durand Neighbourhood and the Durand Neighbourhood Plan.

Mrs. Mazza, summed up the submissions of the others and appealed to the Committee to deny this application.

Mr. Snelgrove, representative of the Durand Association spoke on behalf of the Association and indicated their opposition to this request for converting the home into three condominium units. Mr. Snelgrove also expressed concern at the state of the green area around the house as well as parking.

The owner of property at 8 Turner Avenue expressed concern that the area did not allow for parking for visitors if the application were approved.

The Committee was in receipt of a letter of support for the application from Mrs. C. Robinson, 354 Bay Street South.

Mr. Nolan, Solicitor representing the applicant, spoke to the Committee and outlined the history of the application. He indicated that the rezoning application is for a portion of the property only.

The Committee then spoke on this matter at considerable lengths and the Committee agreed to DENY the application and directed staff to prepare the appropriate denial recommendation for City Council.

The Committee was in receipt of report from the Commissioner of Planning and Development dated 1988 November 4 respecting City Initiative 88-J for an amendment to the M-12, M-13, M-14 and M-15 District regulations.

The Committee approved the following:

That APPROVAL be given to City Initiative 88-J for an amendment to the "M-12", "M-13", "M-14" and "M-15" (Prestige Industrial) District regulations of Zoning By-law No. 6593 on the following basis:

- (a) That Table 4 Commercial Uses of Section 17D, 17E, 17F and 17G of Zoning By-law No. 6593 be further amended by adding to the "M-12", "M-13", "M-14" and "M-15" Districts, the following commercial use:

S.I.C. Identification No.

Commercial Use

7752

Offices of Engineers

- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council.
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a general text amendment to the "M" (Prestige Industrial) District provisions of the Zoning By-law No. 6593.

C.I. 88-J-
Amendment to the M-12,
M-13, M-14 and M-15
District Regulations

The effect of the By-law is to amend the list of commercial uses permitted within the "M-12", "M-13", "M-14" and "M-15" Districts, by the addition of the following use identified under the Standard Industrial Classification Code:

S.I.C. Identification No.
7752

Commercial Use
Offices of Engineers

C.I.87-F-
Amendment to M-14
and M-15 Districts
for land in the
Mountain Industrial
Area

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 November 18 respecting City Initiative 87-F for amendment to M-14 and M-15 Districts for land in the mountain industrial area.

The Committee was in receipt of letter of opposition from Mr. Anthony Zarcone Limited, 819 Bruce Dale Avenue East.

Mr. Jack Tarbutt spoke in opposition to these uses in other areas.

The Committee then approved the following recommendation:

That APPROVAL be given to City Initiative 87-F to amend the "M-14" (Prestige Industrial) and "M-15" (Prestige Industrial) Districts to delete certain industrial uses which are currently permitted, on the following basis:

- (a) That notwithstanding Section 17F ("M-14" District) the following industrial uses shall be prohibited:

| <u>Identification No.</u> | <u>Industrial Use</u> |
|---------------------------|--------------------------------------|
| (i) 3254 | Automotive Leaf Spring Manufacturing |
| (ii) 3259 | Automotive Firewalls Manufacturing |
| (iii) 3561 | Primary Glass and Glass Containers |
| (iv) 3592 | Asbestos Products |

- (b) That notwithstanding Section 17G ("M-15" District) the following industrial uses shall be prohibited:

| <u>Identification No.</u> | <u>Industrial Use</u> |
|---------------------------|------------------------------------|
| (i) 3259 | Automotive Firewalls Manufacturing |
| (ii) 3561 | Primary Glass and Glass Containers |
| (iii) 3592 | Asbestos Products |
| (iv) 3699 | Other Petroleum and Coal Products |

- (c) That the amending By-law recognize as legal conforming uses any of the industrial uses listed in recommendation (a)(i) and (ii) in the "M-14" and "M-15" Districts which are existing at the date of the passing of the amending By-law.

- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for submission to City Council;

- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-Law is to provide for a modification to the "M-14" (Prestige Industrial) and "M-15" (Prestige Industrial) Districts, to delete the following industrial uses:

| <u>Identification No.</u> | <u>Industrial Uses</u> | <u>District</u> |
|---------------------------|--------------------------------------|--------------------------------------|
| (a) 3254 | Automotive Leaf Spring Manufacturing | "M-14"(Prestige Industrial) District |
| (b) 3259 | Automotive Firewalls Manufacturing | "M-14"(Prestige Industrial) District |
| | | "M-15"(Prestige Industrial) District |

- | | | | |
|-----|------|--|--|
| (c) | 3561 | Primary Glass and Glass Containers Manufacturing | "M-14(Prestige Industrial) District "M-15(Prestige Industrial) District |
| (d) | 3592 | Asbestos Products | "M-14"(Prestige Industrial) District "M-15"(Prestige Industrial) District |
| (e) | 3699 | Other Petroleum and Coal Products | "M-15"(Prestige Industrial) District |

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 December 6 respecting City Initiative 86-U respecting flea markets.

C.I.86-U-
Flea Markets

The Committee requested that the Bill with the appropriate general text amendments be forwarded to City Council simultaneously with the recommendation.

The Committee then approved the following recommendation:

That APPROVAL be given to City Initiative-86-U providing for a general text amendment to Zoning By-law No. 6593 respecting flea markets on the following basis:

- (a) That Section 2 (Interpretation and Definitions) be amended by adding the following new definitions:
 - (i) "2.2(D)(ia) "Flea market" means a place, building or structure on or in which are situated stands at which trades, calling businesses or occupations are carried on by separate vendors"
 - (ii) "2.2(D)(via) "Stand" means an area in the flea market at which new or used goods are exposed or offered for sale.
 - (iii) Renumber subsequent clauses accordingly.
- (b) That Section 13B, "G-2" (Regional Shopping Centre) District be amended by adding a "flea market" as a permitted commercial use under a new Section 13B(1)(k);
- (c) That Section 15, "I" (Central Business District, etc.) District be amended by adding a "flea market" as a permitted commercial use under a new Section 15.(1)(viiia);
- (d) That a flea market shall be prohibited where it abuts a residential district except in a "G-2" (Regional Shopping Centre) District;
- (e) That a flea market shall be prohibited outdoors.
- (f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for submission to City Council;
- (g) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose and effect of this by-law is to provide for a general text amendment to the Zoning By-law No. 6593;

- (a) to establish definitions of a flea market, and a "stand" and,
- (b) to permit a flea market as a commercial use in the "G-2" (Regional Shopping Centre) District, "I" (Central Business District, etc.) District, "J" (Light and Limited Heavy Industry, etc.) District and "K" (Heavy Industry, etc.) District;

(c) to prohibit a flea market where it abuts a residential district except in the "G-2" (Regional Shopping Centre) District;

(d) to prohibit outdoor flea markets.

Proposed Plan for
the Gourley
Neighbourhood

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 December 5 respecting the proposed plan for the Gourley Neighbourhood.

Mr. D. Godley of the Planning and Development Committee outlined the proposed plan for the Neighbourhood.

The Committee was in receipt of a letter of submission from Mr. Brian Morison, Barrister and Solicitor with his comments on the proposed plan.

Mr. Bill Schinkel, 132 Stone Church Road West spoke in opposition to the proposed walkway as he indicated it would restrict any development of his land.

Mr. Orlicki, representative of the owner of 304 Stone Church Road West questioned the depth of the lots. He indicated that he feels that too much land has been devoted to road use. Mr. Godley of the Planning Department indicated that he feels that these issues can be resolved with staff.

Mrs. Karen Marcoux, 407 Brigadoon Avenue spoke on behalf of the Gourley Neighbourhood. She questioned why no extra access has been provided onto West 5th Street. Alderman Ross indicated that this matter is being looked at. Mrs. Marcoux indicated that she is opposed to the developing of woodland along Stone Church and feels that prestige homes would not fit in the area. A general discussion then ensued on park use and road safety.

Mrs. K. Gardiner, 204 Golden Orchard Drive expressed concerns at the future of the present woodland. She added that she sees this area as an affordable housing area for first time homeowners, and does not agree with the prestige area. She is concerned that the mixture and success of mixed housing and fears that schools will encourage a social cast system because of the housing mix.

Mr. Cooke, 152 Chesley, a new resident of the area spoke in concern at some of the philosophical concerns expressed by the previous speaker. He added that he has been employed for a long time by the Board of Education and added that social mix is important to community flavour.

Mr. Art Brown, 866 West 5th Street expressed some anger that he has looked after the City lot beside him for 35 years and is concerned that now a road will be put on it, as well as the effect that will have on his property. Mr. Godley of the Planning Department indicated that this road would not be on Mr. Brown's property and that the road would allow Mr. Brown to develop his own lands if he chooses. It was agreed that the Mayor and Alderman Ross would speak to Mr. Brown on his concerns.

Ms. Dorothy Taylor, 64 Duncairn Crescent indicated that she feels that the increased traffic caused by the development of the lands will impact on her Crescent if the proposal is approved. She also questioned where the main school access would be. The Planning Department indicated that this matter is being reviewed.

The owner of the property at 158 Chesley Street spoke and said does not agree with the road access from Chester onto the new proposed road.

Mr. Don May, Planning Consultant spoke as a representative of the principles of Starward Homes. He displayed a concept plan for Starward lands and outlined some of the fine tuning of their proposed use of these lands. He added that the back yards of these lots will abut woodland.

Mr. Morison, owner of property immediately south of the mountain freeway right-of-way, wants to discuss the use of his land with staff and Starward Homes.

Mr. Andrew Alec, Ministry of Government Services spoke on the 12 acres of land presently owned by the Ministry. He added that they are in agreement with the townhousing low density use and submitted a plan to staff.

Mr. George Snider, owner of property, approximately 2 1/4 acres, between Mr. Morison and Starward spoke on possibilities on this land. He indicated that he will speak to staff on the proposed use. He indicated that 1/2 an acre of his property will be useless with the proposed plan and that he will discuss his concerns with the staff.

Following discussion on this matter by the Committee, several amendments were made to the plan and staff were directed to prepare the appropriate amended map for presentation to City Council and that the following recommendation be presented with the amended map to City Council.

- (a) That the proposed Gourley Neighbourhood Plan, attached herewith and marked Appendix "H" be approved by City Council and
- (b) That a tree preservation plan be required as part of the process for plan of subdivision for the area designated for larger lots.

There being no further business, the meeting then adjourned.

Adjournment

Taken as read and approved.

Alderman J. Smith, Chairman
Planning and Development Committee

Susan K. Reeder, Secretary
1988 December 14

Wednesday, 1989 January 11
2:00 o'clock p.m.
Room 233 City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor R. Morrow
Alderman D. Christopherson
Alderman M. Kiss
Alderman W. McCulloch
Alderman D. Ross
Alderman H. Merling
Alderman B. Hinkley

Also present: Alderman D. Agostino
Mr. L. Sage, C.A.O.
Mr. V. Abraham, Director of Local Planning
Mr. M. Watson, Real Estate
Mr. W. Wong, Building Department
Mr. B. Pooler, Building Department
Mr. G. Robis, Building Department
Mr. D. Vyce, Director of Property
Mr. J. Thoms, Commissioner of Planning and Development
Mr. J. Robinson, Community Development Department
Mr. E. Kowalski, Director of Community Development
Mr. K. Brenner, Regional Engineering
Mr. R. Karl, Traffic Department
Mr. J. Zipay, Planning Department
Mr. J. Sakala, Planning Department
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meeting held Wednesday, 1988 November 30. One amendment was made to change the Chairman's name to correctly reflect Alderman Smith. The Committee then approved the amended Minutes of their meeting held Wednesday, 1988 November 30.

**Minutes - 1988
November 30**

The Committee was in receipt of a report from the Building Commissioner dated 1989 January 4 respecting demolition permit applications. The Committee approved the following recommendation:

**Demolition Permit
Applications**

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following properties.

- (a) 1411 Upper Sherman Avenue
- (b) 803 King Street West
- (c) 393 Sherman Avenue North
- (d) 141 Walnut Street South
- (e) 872 Upper Wentworth Street
- (f) 2641 King Street East
- (g) 139 Nash Road South
- (h) 141 Nash Road South
- (i) 167 Nash Road South
- (j) 1517 Barton Street East
- (k) 734 Dunn Avenue

**Grant for the
Handicapped**

The Committee was in receipt of a report from the Director of Community Development dated 1988 December 19 respecting grant for the Handicapped. Mrs. A. Dreher, 3 Fielding Crescent.

The Committee approved the following:

- (a) That a grant and repayable loan in the amount of five thousand dollars (\$5,000.) BE APPROVED for Mrs. A. Dreher, 3 Fielding Crescent, for the adaptation of her home for handicapped access.
- (b) That subject to approval, the Lien be registered on Title indicating that a forgivable grant in the amount of two thousand, five hundred dollars (\$2,500.) be earned over a five (5) year period, and the balance of two thousand, five hundred dollars (\$2,500.) be repaid to the Corporation of the City of Hamilton at the time of the sale of the property. The interest rate on the repayable portion will be zero percent.

**Revised
Composition -
Board of Directors
Municipal Non-
Profit (Hamilton)
Housing
Corporation**

The Committee was in receipt of a report from the Director of Community Development dated 1989 January 3, respecting the revised composition of the Board of Directors of the Municipal Non-Profit (Hamilton) Housing Corporation.

The Committee amended the staff recommendation to include the Mayor as a member of this Corporation and approved the following recommendation:

That the composition of the Board of Directors of the Municipal Non-Profit (Hamilton) Housing Corporation be revised to 9 council members, preferably one from each Ward, and the Mayor, and 5 citizen members.

Note: The present composition consists of all members of City Council

**Release of
Building Covenants
- 1172 Rymal Road
East**

The Committee was in receipt of a report from the Director of Property dated 1988 December 27 respecting release of Building Covenants - Tuite Construction Ltd. - 1172 Rymal Road East, Hamilton, Lot 6, Plan M-352- Hamilton Industrial Park 3.

The Committee approved the following:

That the City Solicitor be authorized to prepare a Quit Claim Deed from the City of Hamilton to the present owners of 1172 Rymal Road East, Hamilton, Ontario to release the property from the construction covenants to the City as contained in deed number 204779 L.T.

NOTE: In adopting Item 12 of the Eighth Report for 1987 of the Planning and Development Committee, City Council on 1987 April 28, authorized the sale of Lot 6, Registered Plan M-352 to Tuite Construction Limited. The transaction was completed on 1987 July 13. On 1988 December 20, their proposed building was completed.

**Skating Rink -
Jackson Square**

The Committee was in receipt of a memorandum from the Chairman of the Committee to the Secretary of the Committee indicating that the item respecting the Skating Rink at Jackson Square should be placed on the agenda in view of the memorandum of information received from the Director of Property, dated 1988 December 15, advising the Committee that Yale Properties does not intend to reopen the skating rink in Phase IV of Jackson Square as per the Planning and Development Committee's request at its last meeting.

Mr. D. Powers of the City Solicitor's Office was in attendance and referred to his memorandum sent to the Committee dated 1989 January 9 respecting the future of the skating rink - Standard Life Building - Jackson Square - lease to Fourth Phase Civic Square Limited.

Ms. Ellen Wolter, read a letter of submission in opposition to the closing of the rink. Her submission dated 1989 January 11 was submitted to the Committee Secretary.

Ms. Kimberly Eddy, a McMaster PhD Student, spoke to the Committee in opposition to having the rink closed and said that the ice is the only available facility in the downtown Hamilton for recreational skating.

Mr. Milligan, the Lawyer for Yale Properties was in attendance along with Mr. Thomson of Jackson Square.

Mr. Milligan spoke to the Committee and indicated that an application for change of use has not been submitted to the City yet in accordance with the requirements of the ground lease because they are not at the stage where they are ready to submit their request for a change. He added that they hope to have more detailed plans soon of a possible day care use and that once this is completed a formal application will be made.

Considerable discussion ensued on this matter by the Committee with questions to the staff on the City's right to require Yale to operate the rink.

Mr. D. Powers of the City Solicitor's Office outlined the process of arbitration that could take place if the City demands that the rink be reopened by Yale; and Yale challenges the directive.

Following further discussion on this matter, the Committee approved the following recommendation:

That the City Solicitor be authorized and directed to prepare a Notice from the City of Hamilton to Fourth Phase Civic Square Limited, advising that the City of Hamilton, under the provisions of the City's Ground Lease, direct that the Skating Rink and its facilities be re-opened, operated and maintained for the balance of this winter season.

The Committee was in receipt of a memorandum from Mr. D. Godley, Co-ordinator, Beach Implementation Committee and Beach Advisory Committee, dated 1988 December 21 respecting City of Hamilton representation on the Beach Implementation and Beach Advisory Committees.

The Committee approved the following recommendation:

For the information of the members of City Council, the Planning and Development Committee have appointed the following members of Council to serve on the Beach Implementation/Beach Advisory Committee:

Alderman F. Lombardo
Alderman D. Agostino
Alderman D. Christopherson

For the further information of members of City Council, the Planning and Development Committee have appointed Mr. R. Wheeler to serve on this Committee as an owner representative from Hamilton Beach.

NOTE: The composition of owners/tenants from Hamilton Beach will be increased from seven (7) to eight (8) with the appointment of Mr. Wheeler.

Also for the information of the members of City Council, the following members make up the composition of the Beach Advisory Committee as per the composition approved by City Council on 1988 August 30th:

| <u>Representing</u> | <u>Member</u> |
|--|--|
| (i) Hamilton Region Conservation Authority | Alderman G. Copps Councillor P. Richardson Mr. A. Stacey |
| (ii) Region of Hamilton-Wentworth | Councillor S. Napper |
| (iii) Citizen at Large | Mrs. G. Simmons |
| (iv) Hamilton Beach | Mrs. L. Marshall Mr. M. Gagnon |

City of Hamilton
representatives
- Beach
Implementation and
Beach Advisory
Committees

(v) Owners/Tenants, Hamilton Beach

Ms. L. Gendreau
Ms. E. Nebesny
Ms. E. Massignani
Mr. B. Jaggard
Mr. J. Howlett
Mr. S. Hobbs
Ms. T. Kemp.

Zoning Applications

The Committee then adjourned to the Council Chambers to hear matters respecting Zoning Applications.

Amend Meeting Schedule

The Committee agreed that the meeting schedule for their meetings be changed to start at 1:00 o'clock p.m. rather than 2:00 o'clock p.m., in order to allow a full 2 hours to hear development issues. The Committee will continue to start at 3:00 o'clock p.m. in the City Hall Council Chambers for the purpose of hearing zoning and planning portions of their agenda.

ZA88-32- 19 Rymal Road East

The Committee was in receipt of a recommendation from the Commissioner of Planning and Development dated 1989 January 5 respecting zoning application 88-32 for property at 19 Rymal Road East.

The Committee approved the following:

That APPROVAL be given to Zoning Application 88-32, Ronald James Creighton, owner, for a change in zoning from "AA" (Agricultural) District modified to "HH" (Restricted Community Shopping and Commercial) District, for property located at 19 Rymal Road East, as shown on the attached map marked as APPENDIX "A" on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District, modified to "HH" (Restricted Community Shopping and Commercial) District.
- (b) That the "HH" (Restricted Community Shopping and Commercial) District provisions as contained in Section 14A of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following as special requirements:
 - (i) that a landscaped planting strip not less than 3.0 meters wide shall be provided and maintained within the lot along the entire southerly lot line.
 - (ii) no access driveway to and from Rymal Road East shall be provided on the land.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1109, and that the subject lands on Zoning District Maps E-9D and E-9E be notated as S-1109;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-9D and E-9E for presentation to City Council.
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the application is to provide for a change in zoning from "AA" (Agricultural) District, modified, to "HH" (Restricted Community Shopping and Commercial) District for property located at 19 Rymal Road East.

In addition, the By-law requires a landscaped planting strip not less than 3.0 meters wide to be provided and maintained within the lot and along the entire southerly lot line; and that no access driveway to and from Rymal Road East shall be permitted.

The effect of the By-law is to permit commercial use (parking lot) of the subject lands.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 January 4 respecting an amended zoning application 88-68 for property at 158 Dundurn Street North.

Amended ZA88-68-
158 Dundurn Street
North

The Committee approved the following:

That APPROVAL be given to an amended Zoning Application 88-68, Jose Inacio Santinhos and Ana Da Costa Santinhos, owners, for a modification to the established "L-mr-2" (Planned Development - Multiple Residential) District, to permit a barber shop as a home occupation type use, for property located at 158 Dundurn Street North, as shown on the attached map marked as APPENDIX "B" on the following basis:

- (a) That the "L-mr-2" (Planned Development - Multiple Residential) District regulations as contained in Section 17B of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:

- (i) Notwithstanding the provisions of Section 2.(2)(H)(iii)(f) and (h) of By-law No. 6593, barbering shall be permitted as a home occupation:

(1) carried on by not more than one barber having a principal and permanent place of residence on the premises; and,

(2) providing that operation is limited to not more than one barber chair and not more than one commercial sink.

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1110, and that the subject land on Zoning District Map W-11 be notated S-1110;

- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-11 for presentation to City Council.

- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the established "L-mr-2" (Planned Development - Multiple Residential) District regulations applicable at 158 Dundurn Street North.

The effect of the By-law is to permit a barber shop, operated as a home occupation for one barber only. In addition, the By-law limits the barber shop to only one barber chair and one commercial sink.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 January 4 respecting zoning application 88-93 for property at 101 Folkestone Avenue.

ZA88-93-
101 Folkestone
Avenue

The Committee was also in receipt of a letter of opposition to this application from Mr. and Mrs. MacNair, 8 Lesterwood Street.

The Committee was also in receipt of a letter of conditional support for the application from Mr. and Mrs. Petsche, 7 Ling Street. The letter indicates that they would be in support only if certain concerns are rectified.

Report of the circularization was given as follows:

98 notices sent; 9 in favour, 7 opposed

The Committee approved the following:

That APPROVAL be given to Zoning Application 88-93, Doug and Cathy Earle, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations to allow a hairdresser as a home occupation use, for property located at 101 Folkestone Avenue, as shown on the attached map marked as APPENDIX "C", on the following basis:

(a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:

(i) Notwithstanding paragraphs (f) and (h) of Section 2(2)H.(iii), hairdressing shall be permitted as a home occupation on the following basis:

(1) it is carried on by not more than one hairdresser having a principal and permanent place of residence on the premises; and,

(2) there is not more than one comb-out centre and one styling sink.

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1111, and that the subject lands on Zoning District Map W-13 be notated S-1111;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38a for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District regulations applicable to property located at 101 Folkestone Avenue.

The effect of the By-law is to permit a hairdressing business as a home occupation use for one hairdresser who resides on the premises as their principal place of residence.

ZA88-95-
31 Lake Avenue
North

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 January 5 respecting zoning application 88-95 for property at 31 Lake Avenue North.

The applicant was in attendance at the meeting and spoke to the Committee on when he had purchased the property, moved in, and started operating his business contrary to the zoning. Both of the Ward Aldermen were in attendance to deliberate on this matter.

The Committee then approved the following denial recommendation:

That Zoning Application 88-95, Angela Rzaewski and Wesley Rzaewski, owners, requesting a modification to the "C" (Urban Protected Residential, etc.) District for property located at 31 Lake Avenue North, as shown on the attached map marked as APPENDIX "D", BE DENIED for the following reasons:

(a) It is out of character and incompatible with existing residential development;

(b) It represents an undesirable intrusion of a commercial use into an area of establishing single-family dwellings;

(c) Approval of the application would establish an undesirable precedent and set the stage for future similar applications to extend commercial zoning along both sides of Lake Avenue North in the area north of Queenston Road;

- (d) It is questionable if sufficient off-street parking for the six employees and customers can be accommodated on the site without spillover effects on surrounding roadways;

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 January 4 respecting an amended zoning application 88-103 for property at 395 Centennial Parkway North.

Amended ZA88-103-
395 Centennial
Parkway North

The Committee approved the following:

That APPROVAL be given to an amended Zoning Application 88-103, Walter and Mary Matesa, owners, requesting a change in zoning from the "KK" (Restricted Heavy Industrial) District modified to the "HH" (Restricted Community Shopping and Commercial) District modified, to permit the expansion of the restaurant and parking lot on adjoining lands to the south located at 395 Centennial Parkway North, as shown on the attached map marked as APPENDIX "E", on the following basis:

- (a) That Schedule "A" to By-law No. 81-344 be amended by adding the subject lands thereto;
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-772a, and that the subject lands on Zoning District Map E-102 be notated S-772a;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law No. 81-344, and Zoning District Map E-102 for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from the "KK" (Restricted Heavy Industrial) District modified to the "HH" (Restricted Community Shopping and Commercial) District modified, for property located at the south-west corner of Goderich Road and Centennial Parkway North.

The effect of the By-law is to permit expansion of the restaurant and parking lot located on adjoining lands to the south at 395 Centennial Parkway South.

In addition, the lands will be regulated by By-law No. 81-344 which applies to the adjoining lands to the south, and permits only a motel, single family dwelling, a restaurant, motel office use, and accessory uses.

The Committee was in receipt of memorandum from the Secretary of the Committee dated 1989 January 5 respecting the recommendation of the Commissioner of Engineering on subdivision grading. The memorandum indicated that this matter had been tabled by the October 12th meeting of the Committee in order to allow an opportunity for comments from the Hamilton and District Home Builders Association. The memorandum further advises the Committee that representatives of the Home Builders Association would be in attendance to speak to the Committee on this matter.

Subdivision
Grading

Mr. K. Brenner, Regional Engineering and Mr. W. Wong, Building Department commented on the recommendation of the Commissioner of Engineering dated 1988 December 30 respecting subdivision grading.

Mr. Venditti, the representative of the Hamilton and District Home Builders Associations spoke to the Committee on his Association's comments on this recommendation. He indicated that in August 1988, the Task Force on Lot Grading approved various recommendations with respect to subdivision grading and that these recommendations have not yet had a chance to be proved satisfactory. He added that his Association would prefer that these recommendations be made as "restrictive guidelines" rather than a policy. He also added that his Association would rather see Section 4 of the recommendation amended to change the difference of slopes less than 0.3m to 1 m difference.

Mr. L. King of the Building Department spoke to the Committee on the correspondence forwarded to the province on matters dealing with retaining walls.

Following further discussion on this matter by the Committee, the Committee approved the recommendation of the Commissioner of Engineering as follows:

That the following policy BE ADOPTED for grading standards on single and double family housing controlled by the subdivision process:

- (a) That the definition: "Required back yard", shall mean the distance designated in the Zoning By-law.
- (b) That the maximum slope in the back yard adjacent to the building for a distance equal to the required back yard shall be 7%, except as set out in sections (c) and (d).
- (c) That the 7% restriction shall not apply to the sides of a swale along the sides or back of the lot, providing the total width of the swale shall not exceed one (1) metre.
- (d) That where the 7% restriction on the back yard grades results in elevation differences between different properties, retaining walls shall be constructed along the sides and the back of the lot. Slopes with a maximum of three horizontal to one vertical may replace the walls where the said difference in elevation is less than 0.3m.
- (e) That there is no control on the steepness of the slopes in side yards, front yards and back yards, outside the area defined in (a) above, providing said slopes are stable for the soils of the area.
- (f) That the retaining walls shall be located on the high lands.

Alderman Agostino asked that the matter respecting garbage chutes on floors of apartment buildings which he had asked to be placed on the agenda be Tabled.

Alderman McCulloch spoke to the Committee with respect to his recommendations on the appointments for the Local Architectural Conservation Advisory Committee. This item had been Tabled from a previous meeting in order to allow Alderman McCulloch the opportunity to speak to members of LACAC and come back to the Committee with a recommendation.

The Committee approved the following:

- (a) That Alderman J. Smith be appointed as a Council representative on the Local Architectural Conservation Advisory Committee.

NOTE: Alderman W. McCulloch was appointed by City Council at its meeting held Tuesday, 1988 November 30, to serve as a Council Representative on LACAC.

- (b) That the citizen composition be increased from seven (7) citizens to eight (8) citizens; and
- (c) That the following citizens be appointed to serve on LACAC for a term of office to expire 1991 November 30:

Mr. R. Brough
Mrs. D. Dent
Mr. B. Henley
Mr. J. Mokrycke
Mr. R. Rankin
Mrs. M.J. Rigby
Mrs. G. Simmons
Mr. R. Wheeler

Garbage Chutes -
Apartment Bldgs.

Appointments -
LACAC

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 January 4 respecting extension of draft approval for "Wisemount Forest Survey" Subdivision.

**"Wisemount Forest
Survey"
Subdivision**

The Committee approved the following:

That the Region of Hamilton-Wentworth be requested to grant a one year extension to the draft approval for "Wisemount Forest Survey" Subdivision (Regional File No. 25T-83004).

The Committee was in receipt of a report from the Urban Design Committee dated 1988 November 1 respecting the City of Hamilton Mayor's Awards.

**City of Hamilton
Mayor's Awards**

The Committee approved the following:

- (a) That the Planning and Development Department be requested to establish and carry out the City of Hamilton Mayor's Awards
- (b) That the Planning Department and the Urban Design Committee will proceed immediately, to allow the first awards ceremony take place before the end of 1989 April
- (c) That the estimated cost of \$1,200.00 be included in the 1989 Planning and Development Department Budget.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 January 9 respecting Site Plan Control Application DA-88-65 for an industrial development at 236 Pritchard Road.

**Site Plan Control
Application
1) A88-65-236
Pritchard Road**

Mr. J. Sakala outlined the history of this property to members of the Committee.

The applicant spoke to the Committee and indicated that the Committee of Adjustment has already approved his application and the appeal period has now passed with no objections being received. He added that he does not understand why the Planning Committee is now recommending denial when the Committee of Adjustment has already given its approval.

General discussion ensued on why the Committee of Adjustment dealt with this matter when the Planning Committee traditionally has dealt with these matters first before the Committee of Adjustment deals with these applications.

Following a great deal of discussion on this matter by the Committee, the following recommendation was approved:

That Site Plan Control Application DA-88-65 by Mr. C. Locke, owner of lands known as 236 Pritchard Road for an industrial development be approved in recognition of the approval given by the Committee of Adjustment, but subject to the approval of the grading plan to the satisfaction of the Commissioner of Regional Engineering.

The Committee further directed that a staff report be brought back to the Committee outlining the procedures used in approvals of site plans and approvals of the Committee of Adjustment.

There being no further business, the meeting then adjourned.

Adjournment

Taken as read and approved,

Alderman J. Smith, Chairman
Planning and Development Committee

Susan K. Reeder, Secretary
1989 January 11

FOR ACTION

2.

REPORT TO: THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: P. KUPPE, BUILDING COMMISSIONER

DATE: January 25, 1989

COMM. FILE:

DEPT. FILE:

SUBJECT:

DEMOLITION

RECOMMENDATION:

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following properties: -

- A. 131 Nash Road South
- B. 633 Queenston Road
- C. 627 Queenston Road

That the Committee table the following application: -

- A. 105 Aberdeen Avenue

FINANCIAL IMPLICATIONS: N/A

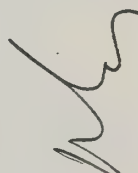
BACKGROUND:

For background information see attached sheets.

DEMOLITION CONTROL

DATE: January 25, 1989

| ITEM | ADDRESS | PRESENT USE | PROPOSED USE | LOT SIZE | OWNER | ZONE | RECOMMENDATION |
|------|---------------|-------------|-----------------------------------|-------------------|---|------------|---|
| 131 | Nash Road S. | S.F.D. | East end Ambulatory Care Facility | 34.58' X 444.96' | Sisters of St. Josephs of the Diocese of Hamilton | "AA/S-867" | It is recommended that Committee approve demolition. |
| 633 | Queenston Rd. | T.F.D. | Commercial offices | 84.75' X 409.08' | Emily Mount | "HH" | It is recommended that Committee approve demolition. |
| 627 | Queenston Rd. | S.F.D. | Commercial offices | 32.00' X 409.08' | Emily Mount | "HH" | It is recommended that Committee approve demolition. |
| 105 | Aberdeen Ave. | S.F.D. | S.F.D.'s | 126.50' X 180.00' | Vincent DeBenedictis | "C" | It is recommended that Committee table application pending LACAC's comment. NOTE: Property of interest to LACAC. |


P.C. Lampman, P. Eng.,
Manager Plan Examination

3.

FOR ACTION

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director

DATE: 1989 January 26
COMM FILE:
DEPT FILE: 800-0602

SUBJECT: Downtown Action Plan Co-ordinating Committee; Terms of
Reference

RECOMMENDATION:

- i) That, the Downtown Action Plan Co-ordinating Committee Terms of Reference be altered to read as follows:
 - 1) To facilitate the implementation of: Downtown Action Plan, Commercial Improvement Programme and other City of Hamilton Streetscaping Initiatives.
 - 2) To provide a forum for the City of Hamilton's Business Improvement Areas for the purpose of ensuring representation on recommendations and reports put before sub-committees and Council.
 - 3) To provide staff recommendations and opinions to the Planning and Development Committee on urban design related initiatives/issues.
 - 4) To ensure the maximum use of City resources - both staff and financial.
 - 5) To ensure that the goals and objectives of the relevant project are met as per City Council's approval; and,
- ii) That, the Downtown Action Plan Co-ordinating Committee continue to meet, with the addition of the following additional representatives from the Business Improvement Areas:

Meri Oliver, International Village Business Improvement Area
Bill Dawson, Westdale Village Business Improvement Area
Diane Morris, Ottawa Street Business Improvement Area
George Barker, Concession Street Business Improvement Area
Keith Cody, Barton General Business Improvement Area

E. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

At its meeting held 1988 November 24, the Downtown Action Plan Co-ordinating Committee reviewed its Terms of Reference in light of the conclusion of implementation of the Downtown Action Plan in the near future. It was the opinion of the members that the Committee serves a valuable function for the Planning and Development Committee as a staff review and recommending body. In this way, the Committee could also serve a valuable function for implementation of their streetscape programmes such as the Commercial Improvement Programme which affects all of the Business Improvement Areas (B.I.A.). Presently there are representatives from each one of the downtown B.I.A.s.: Downtown Promenade, International Village and Jamesville B.I.A.s. These members were of the opinion that the Committee was of great assistance to B.I.A.s and should be expanded for the benefit of all the B.I.A.s (presently seven B.I.A.s and two areas in the process of designation).

Presently, the Committee reviews any significant items or events that affect the Downtown Action Plan Study Area including private development, public development, B.I.A. requests and functions, the Commercial Improvement Programme affecting the downtown B.I.A.s and some urban design issues within the Central Area. For the Planning and Development Committee's benefit we would like to clarify these functions.

The following is a list of all of the Downtown Action Plan Co-ordinating Committee members with Alderman Wm. McCulloch as Chairman.

| | |
|------------------------|------------------------------|
| Alderman Wm. McCulloch | Chairman |
| E. Kowalski | Vice-Chairman |
| J. McNeilly | Community Development |
| J. Pacey | Community Development |
| D. Heintz | Public Works |
| V. Abraham or V. Matus | Planning |
| T. Gill | Regional Engineering |
| R. Karl | Traffic |
| R. Martiniuk | Architectural Division |
| G. Etele | Downtown Promenade B.I.A. |
| J. Mokrycke | Representative, LACAC |
| M. Oliver | International Village B.I.A. |
| J. Sherman | Jamesville B.I.A. |
| B. Dawson | Westdale Village B.I.A. |
| D. Morris | Ottawa Street B.I.A. |
| G. Barker | Concession Street B.I.A. |
| K. Cody | Barton General B.I.A. |

Occasionally, when required, representatives from the Hamilton Parking Authority, Hamilton Street Railway, etc. attend the Committee meetings to discuss issues that affect their respective departments.

FOR ACTION

4.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director

DATE: 1989 January 26
COMM FILE:
DEPT FILE: 800-0608
800-0609

SUBJECT: Crown Point West/Stipeley PRIDE Phase I; Authorization
to Sign the Municipal/Provincial Agreement

RECOMMENDATION:

That, the Mayor and City Clerk be authorized to sign the necessary Provincial/Municipal Implementation Agreement for the Crown Point/West Stipeley PRIDE Phase I Project, satisfactory to the City Solicitor.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

In order that the City of Hamilton can make use of the Provincial allocation of four hundred thousand dollars (\$400,000), matched by Municipal funds equalling a total of eight hundred thousand dollars (\$800,000) for the Crown Point West/Stipeley PRIDE Project, the Mayor and City Clerk must sign the necessary Implementation Agreement. Although the Mayor and City Clerk have already signed this Agreement, the Ministry of Municipal Affairs will not execute same until the new Council authorizes this action. Once the recommendation has been approved by City Council, the necessary by-law will be submitted to the Ministry of Municipal Affairs, Community Renewal Branch. The City Solicitor's Department has already reviewed the Implementation Agreement and found it to be satisfactory.

c.c. Mr. K. Rouff, City Solicitor
City Solicitor's Department

FOR ACTION

5a.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director

DATE: 1989 January 26
COMM FILE:
DEPT FILE:800-0014.06

SUBJECT: International Village Business Improvement Area
(B.I.A.); Revised Board of Management 1989-1991

RECOMMENDATION:

- i) That, By-law #87-229 amending By-law #86-212 appointing the International Village B.I.A. Board of Management be amended to delete the following names:

Michelle Gallante
Gord Thompson
Julie O'Brien
Bill Elliot

Modern Furs
G.W. Thompson Jewellers
Bizarre Bazaar
Money Mart

and add the following names:

Mary Bowden
Gary Frydman
Frank Lauinger
Allen Rigby
Inder Singh
Bob Seromsky
Jean Squires
Margaret Tsangarakis
Mike Vento
Helen Phillips

Book Villa
Gary's New York Mens' Wear
Audio Stroe
Bay City Paint
Empire Oriental Carpets
ZAP Records
C.I.B.C.
It's All Greek to Me
Off the Wall
Arrivals

- ii) That, the City Solicitor be authorized and directed to amend By-law #87-229 pursuant to i) above.

E. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

As stated in Section 217, sub-section 6, 7 and 8 of the Municipal Act:

- (6) "A Board of Management.....is a body corporate and shall consist of such a number of members appointed by Council."
- (7) "Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him."
- (8) "Where a vacancy occurs from any cause, the Council shall appoint a person qualified."

International Village B.I.A. held a General Meeting on 1988 November 29 to appoint the Board of Management

c.c. Mr. K. Rouff, City Solicitor
City Solicitor's Department

FOR ACTION

5b.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director

DATE: 1989 January 26
COMM FILE:
DEPT FILE:800-0014.05

SUBJECT: Westdale Village Business Improvement Area (B.I.A.);
Revised Board of Management

RECOMMENDATION:

- i) That, By-law #86-98 appointing the Westdale Village B.I.A. Board of Management be amended to delete the following names:

| | |
|------------|---------------------|
| J. Pocsai | Tulip's Cafe |
| R. Fazakas | Lawyer |
| M. Crump | Bremat Construction |
| S. Delman | Village Bagel |
| G. Ditner | Cottage Florist |
| C.C. West | National Trust |
| G.M. Ujiye | Big V Drug Store |

and add the following:

| | |
|-------------|-------------------------|
| B. Dawson | The Villager Mens' Wear |
| R. McGrath | Toronto-Dominion Bank |
| D. Harley | Deborah Harley Fashions |
| J. Jennings | Five Season's Travel |

- ii) That, the City Solicitor be authorized and directed to amend By-law #86-98 pursuant to i) above.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

As stated in Section 217, sub-section 6, 7 and 8 of the Municipal Act:

- (6) "A Board of Management.....is a body corporate and shall consist of such a number of members appointed by Council."

- (7) "Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him."
- (8) "Where a vacancy occurs from any cause, the Council shall appoint a person qualified."

At the General Meeting of 1988 October 03, the newly elected Board of Management was adopted by the B.I.A. membership.

c.c. Mr. K. Rouff, City Solicitor
City Solicitor's Department

FOR ACTION

5c.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director

DATE: 1989 January 26
COMM FILE:
DEPT FILE: 800-0014.10

SUBJECT: Ottawa Street Business Improvement Area (B.I.A.);
Revised Board of Management

RECOMMENDATION:

- i) That, By-Law #88-99, as amended by By-law #88-144, appointing the Ottawa Street B.I.A. Board of Management be amended to delete the following names:

| | |
|------------|---------------------------|
| L. Baker | Jenome |
| T. Culshaw | A & B Catering |
| L. Higgins | Hamilton Appliance Centre |

and add the following:

| | |
|--------------|---------------------|
| C. Marabella | Encore TV and Video |
|--------------|---------------------|

E. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

As stated in Section 217, sub-section 6, 7 and 8 of the Municipal Act:

- (6) "A Board of Management.....is a body corporate and shall consist of such a number of members appointed by Council."
- (7) "Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him."
- (8) "Where a vacancy occurs from any cause, the Council shall appoint a person qualified."

At the General Meeting of 1988 November 16, the slate of officers for the Board of Management was approved by the B.I.A. membership.

c.c. Mr. K. Rouff, City Solicitor
City Solicitor's Department

FOR ACTION

5d.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director

DATE: 1989 January 26
COMM FILE:
DEPT FILE: 800-0014.07

SUBJECT: Concession Street Business Improvement Area (B.I.A.);
Revised Board of Management

RECOMMENDATION:

- i) That, By-law #86-144 appointing the Concession Street Business Improvement Area (B.I.A.) Board of Management be amended to delete the following names:

| | |
|---------------|---------------------------------------|
| R. Somerville | Lockhart's Ladies Wear |
| P. Ford | Don Ford & Associates |
| R. Devries | Ray Devries Real Estate and Insurance |
| E. Horyn | Walt's Variety |
| S. Miller | New Dundee Pie Shoppe |
| E. Raphael | So-Low Sales |
| P. Wright | P. Wright & Son's Catering |
| J. Marion | Wilf's Hardware |
| N. Woolcott | Woolcott Shoe Store |
| P. Wright | Pat Wright Catering |

and add the following:

| | |
|----------------|-------------------------|
| G. Barker | Barker Furniture |
| J. Jarvis | Lockhart's Ladies Wear |
| N. Harrington | Harrington & Harrington |
| R. Butterworth | Butterworth Architect |
| D. Logan | Wheels in Motion |
| R. Best | Bar-B-Q at Best |

- ii) That, the City Solicitor be authorized and directed to amend By-Law #86-144 pursuant to i) above.

E. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

As stated in Section 217, sub-section 6, 7 and 8 of the Municipal Act:

- (6) "A Board of Management.....is a body corporate and shall consist of such a number of members appointed by Council."
- (7) "Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him."
- (8) "Where a vacancy occurs from any cause, the Council shall appoint a person qualified."

At the General Meeting of 1988 November 23, the slate of officers for the Board of Management was approved by the B.I.A. membership.

c.c. Mr. K. Rouff, City Solicitor
City Solicitor's Department

FOR ACTION

5e.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director

DATE: 1989 January 26
COMM FILE:
DEPT FILE: 800-0014.12

SUBJECT: Barton General Business Improvement Area (B.I.A.);
Revised Board of Management

RECOMMENDATION:

- i) That By-law #87-308 appointing the Barton General B.I.A. Board of Management be amended to delete the following names:

| | |
|-------------|------------------------|
| F. Amad | Shaheen Ent. Ltd. |
| V. Greco | Riviera Banquet Hall |
| D. Howarth | Junk Box |
| R. Kratz | C.J. Kratz Ltd. |
| J. Thompson | Jack's Custom Kitchens |

and add the following:

| | |
|------------|-------------------------------|
| R. Brooker | Gas Tank King |
| J. Zidanic | Century Furniture Restoration |

- ii) That, the City Solicitor be authorized and directed to amend By-law #87-308 pursuant to i) above.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

As stated in Section 217, sub-section 6, 7 and 8 of the Municipal Act:

- (6) "A Board of Management.....is a body corporate and shall consist of such a number of members appointed by Council."

- (7) "Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him."
- (8) "Where a vacancy occurs from any cause, the Council shall appoint a person qualified."

At the General Meeting of 1988 November 30, the newly elected Board of Management was adopted by the B.I.A. membership.

c.c. Mr. K. Rouff, City Solicitor
City Solicitor's Department

FOR ACTION

52

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director

DATE: 1989 January 26

COMM FILE:

DEPT FILE: 800-0014.02

SUBJECT: Downtown Promenade Business Improvement Area (B.I.A.);
Revised Board of Management

RECOMMENDATION:

- i) That, By-law #87-148 appointing the Downtown Promenade B.I.A. Board of Management be amended to delete the following names:

| | |
|-------------|-------------------------------------|
| M. Caplan | Marvin Caplan's Gentlemen's Apparel |
| P. Roberts | Continental Bank of Canada |
| D. Wessel | Terminal Towers |
| P. Sefarian | Paul's Shoe Repair |
| T. Olver | Guaranty Trust |
| M. Pocius | Park Place |
| J. Ross | Ross' Ladies Wear |

and add the following:

| | |
|------------|------------------------|
| D. House | Telesis |
| S. Parkin | Robinson/Ogilvy |
| G. Bullock | The Hamilton Spectator |
| R. Tittian | Reggie's |

- ii) That, the City Solicitor be authorized and directed to amend By-law #87-148 pursuant to i) above.

E. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

As stated in Section 217, sub-section 6, 7 and 8 of the Municipal Act:

- (6) "A Board of Management.....is a body corporate and shall consist of such a number of members appointed by Council."
- (7) "Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him."
- (8) "Where a vacancy occurs from any cause, the Council shall appoint a person qualified."

The new Board of Management is attached.

c.c. Mr. K. Rouff, City Solicitor
City Solicitor's Department

59.

FOR ACTION

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director

DATE: 1989 January 26
COMM FILE:
DEPT FILE:800-0014.08

SUBJECT: Jamesville Business Improvement Area (B.I.A.); Revised
Board of Management

RECOMMENDATION:

- i) That, By-law #87-147 appointing the Jamesville B.I.A. Board of Management be amended to delete the following names:

| | |
|----------------|-------------------------------------|
| D. Robbins | Robbinex Capital Corporation |
| S. Leon | Irving's Famous Clothes Ltd. |
| M. Giamichele | Mario's Custom Tailor |
| M. Morgenstern | Nandor-Morgenstern Enterprises Ltd. |
| G. Ricca | Factory Furniture Mart |
| G. Ricca | Ricca Furniture Ltd. |
| R. Corsini | Corsini Supermarket |
| P. Viana | Acadia Travel Services Inc. |
| L. Bornstein | Gordon and Son Furs Ltd. |
| J. Morgan | J & J Pro Hardware |
| H. Organ | Kohler's Rexall Drug Store |
| O. Simoes | Oscar's Travel Agency |
| B. Miller | Miller Shoes |
| K. Sherman | Anshel's Ltd. |

and add the following:

| | |
|----------------|----------------------|
| M. Panopoulos | Jamesville Cafe |
| D. Frazer | 2 Beards |
| M. Robbins | Smith-McKay Florists |
| E. Piccine | La Triestina Shoes |
| P. Jovanovich | Copper John's Tavern |
| F. Mainolfi | Bar Michaelangelo |
| T. Manajimzada | Kuhistan's Boutique |

- ii) That, the City Solicitor be authorized and directed to amend By-law #87-147 pursuant to i) above.

E. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

As stated in Section 217, sub-section 6, 7 and 8 of the Municipal Act:

- (6) "A Board of Management.....is a body corporate and shall consist of such a number of members appointed by Council."
- (7) "Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him."
- (8) "Where a vacancy occurs from any cause, the Council shall appoint a person qualified."

A general meeting was held 1988 November 23 to ratify the new Board of Management. A recommendation will be forwarded to the Planning and Development Committee in 1989 March to approve the Jamesville 1989 Budget after their general meeting to adopt same.

c.c. Mr. K. Rouff, City Solicitor
City Solicitor's Department

FOR ACTION

6a.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director

DATE: 1989 January 25
COMM FILE:
DEPT FILE:800-0014.02

SUBJECT: Downtown Promenade Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments 1989.

RECOMMENDATION:

- i) That, the 1989 operating budget of the Downtown Promenade B.I.A. be approved in the amount of one hundred and ninety eight thousand, three hundred and sixty three dollars (\$198,363); and,
- ii) That, the City Solicitor be hereby authorized and directed to prepare the requisite by-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1989 budget as referenced in i) above; and
- iii) That, the Schedule of Payments for 1989 be as follows:

| | | | |
|----------|-------------|-----------|-------------|
| January | \$16,530.25 | July | \$16,530.25 |
| February | \$16,530.25 | August | \$16,530.25 |
| March | \$16,530.25 | September | \$16,530.25 |
| April | \$16,530.25 | October | \$16,530.25 |
| May | \$16,530.25 | November | \$16,530.25 |
| June | \$16,530.25 | December | \$16,530.25 |

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

At a general meeting held 1988 November 30, the Downtown Promenade B.I.A. budget for 1989 in the amount of one hundred, ninety eight thousand, three hundred and sixty three dollars (\$198,363) of which ten percent (10%) has been set aside for uncollectible levies, was approved unanimously.

c.c. Mr. K. Rouff, City Solicitor, City Solicitor's Department
Mr. E. Matthews, City Treasurer, Treasury Department
Att: Mr. D. Goodman
Mr. R. Prowse, Secretary, Finance Committee

FOR ACTION

6b.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director

DATE: 1989 January 9
COMM FILE:
DEPT FILE: 800-0014.07

SUBJECT: Concession Street Business Improvement Area (B.I.A.),
Proposed Budget and Schedule of Payments 1989

RECOMMENDATION:

- i) That, the 1989 operating budget of the Concession Street B.I.A. be approved in the amount of eighteen thousand, seven hundred and fifty dollars (\$18,750); and,
- ii) That, the City Solicitor be hereby authorized and directed to prepare the requisite by-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1989 budget as referenced in i) above; and,
- iii) That, the Schedule of Payments for 1989 be as follows:

| | |
|-------------------|-----------|
| March 1, 1989 | - \$5,000 |
| April 1, 1989 | - \$5,000 |
| June 1, 1989 | - \$4,000 |
| August 1, 1989 | - \$2,500 |
| September 1, 1989 | - \$2,250 |

E. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

At a general membership meeting held 1988, November 23, the Concession Street B.I.A. budget for 1989 in the amount of eighteen thousand, seven hundred and fifty dollars (\$18,750) - of which 9.6% or one thousand, eight hundred dollars (\$1,800) has been set aside for uncollectible levies - was voted on and approved unanimously by members present.

c.c. Mr. K. Rouff, City Solicitor
Mr. E. Matthews, City Treasurer
Att: Mr. D. Goodman
Mr. B. Prowse, Secretary, Finance Committee

FOR ACTION

6c.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director

DATE: 1989 January 25
COMM FILE:
DEPT FILE: 800-0014.5

SUBJECT: Westdale Village Business Improvement Area (B.I.A.),
Proposed Budget and Schedule of Payments 1989.

RECOMMENDATION:

- i) That, the 1989 operating budget of the Westdale Village B.I.A. be approved in the amount of fifteen thousand dollars (\$15,000); and,
- ii) That, the City Solicitor be hereby authorized and directed to prepare the requisite by-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1989 budget as referenced in i) above; and,
- iii) That, the Schedule of Payments for 1989 be as follows:

February 1, 1989 - \$3,000
April 1, 1989 - \$5,000
June 1, 1989 - \$5,000
October 1, 1989 - \$2,000

E. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

At a general meeting held 1988 October 03, the Westdale Village B.I.A. budget for 1989 in the amount of fifteen thousand dollars (\$15,000) of which 4% (\$600) has been set aside for uncollectible levies was voted on and approved. The B.I.A. has approximately two thousand, five hundred dollars (\$2,500) remaining from the 1988 budget, of which, a portion will be reserved for 1989 uncollectibles.

c.c. Mr. K. Rouff, City Solicitor
Mr. E. Matthews, City Treasurer
Att: Mr. D. Goodman
Mr. B. Prowse, Secretary, Finance Committee

FOR ACTION

6d.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director

DATE: 1989 January 6
COMM FILE:
DEPT FILE:800-0014.12

SUBJECT: Barton General Business Improvement Area (B.I.A.),
Proposed Budget and Schedule of Payments 1989.

RECOMMENDATION:

- i) That, the 1989 operating budget of the Barton General B.I.A. be approved in the amount of six thousand dollars (\$6,000); and,
- ii) That, the City Solicitor be hereby authorized and directed to prepare the requisite by-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1989 budget as referenced in i) above.
- iii) That the Schedule of Payments for 1989 be as follows:
 - April 1 - \$2,000,
 - July 1 - \$2,000,
 - October 1 - \$2,000

E. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

At a general meeting held 1988 November 30, the Barton General B.I.A. budget for 1989 in the amount of six thousand dollars (\$6,000) of which 12.5% (\$750) has been set aside for uncollectible levies, was approved unanimously.

c.c. Mr. K. Rouff, City Solicitor
Mr. E. Matthews, City Treasurer
Att: Mr. D. Goodman
Mr. B. Prowse, Secretary, Finance Committee

FOR ACTION

6e.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director

DATE: 1989 January 6
COMM FILE:
DEPT FILE:800-0014.10

SUBJECT: Ottawa Street Business Improvement Area (B.I.A.),
Proposed Budget and Schedule of Payments, 1989.

RECOMMENDATION:

- i) That, the 1989 operating budget of the Ottawa Street B.I.A. be approved in the amount of eighty-five thousand dollars (\$85,000); and,
- ii) That, the City Solicitor be hereby authorized and directed to prepare the requisite by-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1989 budget as referenced in i) above; and,
- iii) That the Schedule of Payments for 1989 be as follows:

| | |
|-------------------|------------|
| March 1, 1989 | - \$42,500 |
| June 1, 1989 | - \$21,250 |
| September 1, 1989 | - \$21,250 |

E. Kowalski

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

At a general membership meeting held 1988 November 16, the Ottawa Street B.I.A. budget in the amount of \$85,000, of which 8.5% (\$7,232) has been set aside for uncollectible levies was voted on and passed by members present.

c.c. Mr. K. Rouff, City Solicitor
Mr. E. Matthews, City Treasurer
Att: Mr. D. Goodman
Mr. B. Prowse, Secretary, Finance Committee

F O R A C T I O N

7a.

REPORT TO: MS. S. REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER,
 COMMISSIONER OF ENGINEERING

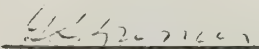
DATE: 1989 January 11
COMM FILE: S702-38
DEPT FILE: K.A. Brenner
ID#0043D

SUBJECT:

"Bentwood Place", Subdivision
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION

That the Corporation of the City of Hamilton accept the sum of \$7,155.00 as cash payment in lieu of 5% dedication for "Bentwood Place", subdivision, this being the cash requirement under Section 50 of the Planning Act.



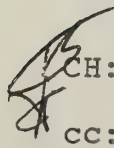
G. S. Spencer
Commissioner of Engineering

BACKGROUND

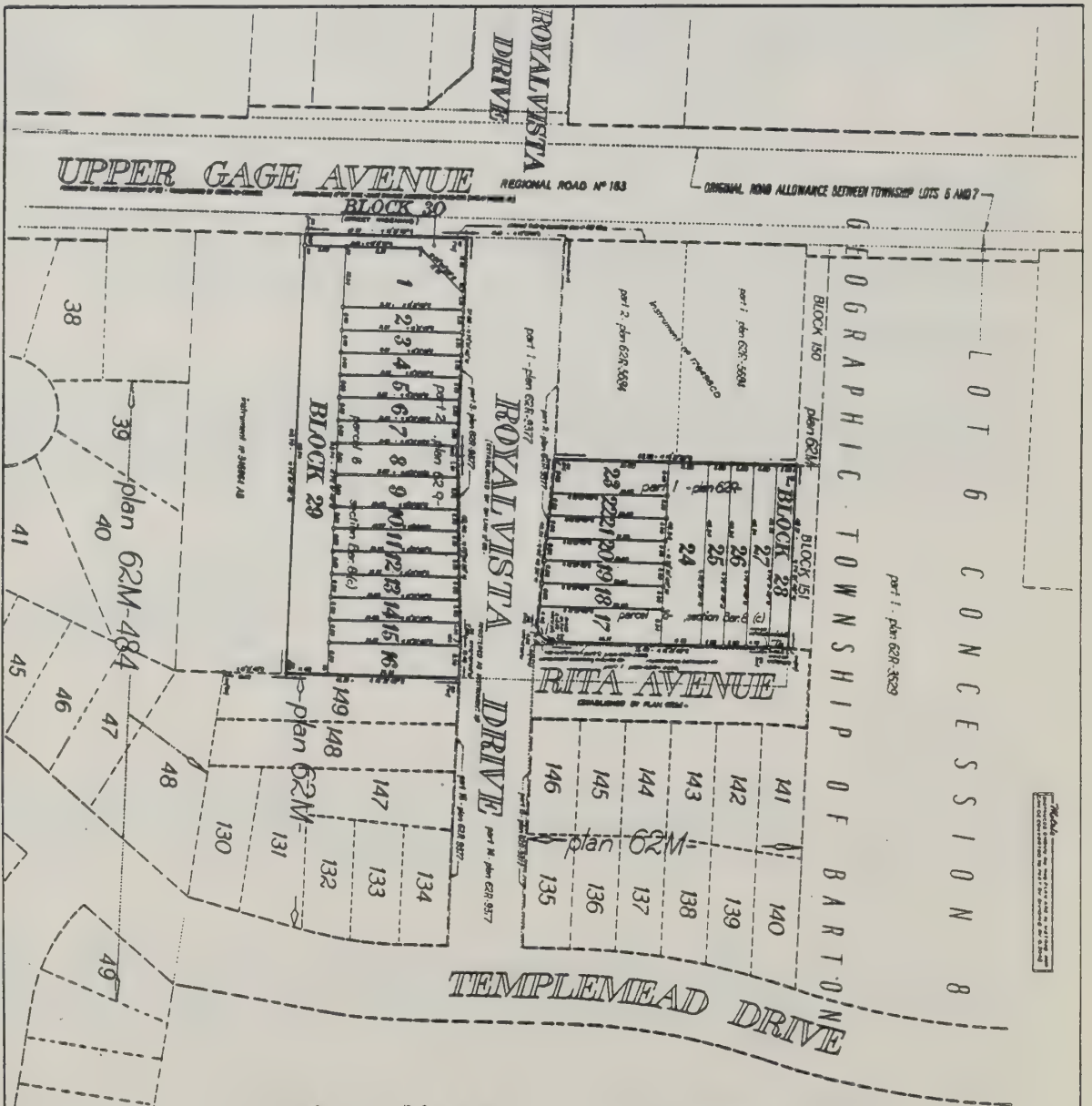
The owners of the lands for the above noted subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedure, the City and Regional staff have completed the calculations for the 5% cash payment in lieu of Parkland dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$7,155.00.

*Note: These lands are located on the east side of Upper Gage Avenue at Royalvista Drive in the Templemead Neighbourhood.

 CH:jd

cc: D. Consoli, City Treasury Department
cc: B. Loretto, City Solicitor's Office



UPPER GAGE AVENUE

REGIONAL ROAD N° 163

ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 6 AND 7

LOT 6 CONCESSION 8

part 1, plan 62M-3529

GEOGRAPHIC TOWNSHIP OF BARTON

ROYAL VISTA DRIVE

TEMPLEMEAD DRIVE

Pentworth Place

PLAN OF:

PART OF LOT 6, CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BARTON
CITY OF HAMILTON

Scale 1:1000
Meters
Feet



Surveyor's Declaration
I, the undersigned, being a duly qualified and licensed Surveyor of the Province of Ontario, do hereby certify that the foregoing is a true and correct copy of the original plan of survey filed in my office, and that the same is in accordance with the provisions of the Survey Act, R.S.O. 1990, c. S.6, and the Regulations made thereunder.

Surveyor's Signature
[Signature]
[Name]
[Address]
[City]
[Province]

Notes
1. The area shown on this plan is the same as the area shown on the original plan of survey filed in my office.
2. The area shown on this plan is the same as the area shown on the original plan of survey filed in my office.
3. The area shown on this plan is the same as the area shown on the original plan of survey filed in my office.

62M-484

62M-

F O R A C T I O N

7b.

REPORT TO: MS. S. REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER,
COMMISSIONER OF ENGINEERING

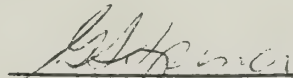
DATE: 1989 January 5
COMM FILE:
DEPT FILE: S720-06
ID#0043D

SUBJECT:

"TEMPLEMEAD NO. 3 SURVEY", Hamilton
(Cash payment in lieu of 5% Parkland Dedication)

RECOMMENDATION

That the City of Hamilton accept the sum of \$7,650.00 as cash payment in lieu of 5% dedication in connection with "Templemead No. 3 Survey", Hamilton, this being the cash requirement under Section 50 of the Planning Act.



G. S. Spencer
Commissioner of Engineering

FINANCIAL IMPLICATIONS

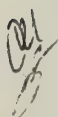
N/A

BACKGROUND

The owner of the lands for the above referenced subdivision will be executing a Subdivision Agreement with the City in the near future. A copy of the Final Survey Plan is attached for your information.

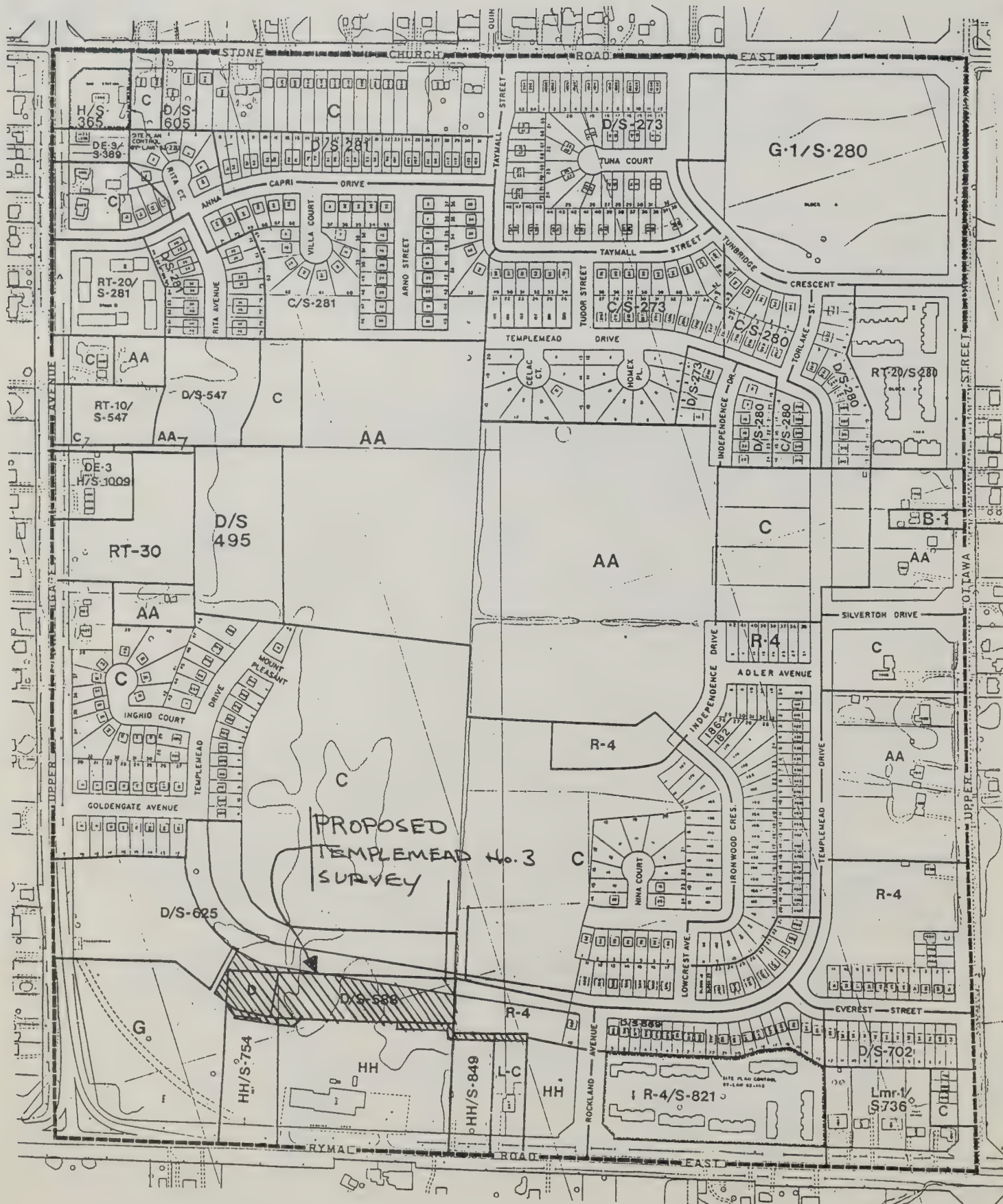
In accordance with normal City procedure, the City and Regional Staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$7,650.00

Note: These lands are located east of Upper Gage Avenue and north of Rymal Road in the Templemead Neighbourhood, Hamilton.

 CAU:jd
Encl.

cc: D. J. Consoli, City Treasury Department

N.T.S.



FOR ACTION

8

REPORT TO: Mrs. Susan Reeder, Secretary
Planning and Development Committee

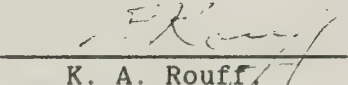
FROM: Mr. K. A. Rouff
City Solicitor

| | |
|------------|----------------|
| J.C.H. | |
| T 3. | |
| DATE: | 1989 January 6 |
| COMM FILE: | |
| DEPT FILE: | 100-1.340 |
| | 400-2.27 |

SUBJECT: Butler et al vs. City/Architects Fees
re Library Farmers' Market

RECOMMENDATION:

That the interim account of Weir and Foulds, Barristers and Solicitors dated December 21, 1988 in the amount of \$14,524.81 for fees and \$1,475.19 for disbursements for a total of \$16,000.00 be paid. This account covers services from October 14, 1988 to December 7, 1988.


K. A. Rouff
City Solicitor

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

payment of \$16,000.00

BACKGROUND:

This involves a Supreme Court of Ontario action by the architects of the Hamilton Central Library and Farmers' Market for further fees and interest for \$600,000.00. By adopting Section 20 of the Twenty-Fifth Report of the Planning and Development Committee at its meeting of September 24, 1985, City Council approved the firm of Weir and Foulds, Barristers and Solicitors to be retained under the direction of the City Solicitor to act for the City. This case is scheduled to be tried in early January, 1989.

c.c. Mr. L. Sage, C.A.O.

c.c. Mr. E. C. Matthews, City Treasurer
~~Public Works Department~~

WEIR & FOULDS
Barristers & Solicitors

Suite 1600, Exchange Tower
P.O. Box 480
2 First Canadian Place
Toronto, Canada M5X 1J5

The Corporation of
The City of Hamilton
City Hall
Hamilton, Ontario
L3N 3Y4

File No. 23/889/KP

Date Dec. 21, 1988

Attention: K.A. Rouff

RECEIVED
JAN 5 1989

**LEGAL DEPARTMENT
THE CORPORATION OF
THE CITY OF HAMILTON**

Re: Butler, et al

Interim Account to December 7, 1988

TO PROFESSIONAL SERVICES RENDERED in connection with the above-noted matter
as set out in the attached Billing Information Sheet:

OUR FEE

\$14,524.81

Disbursements

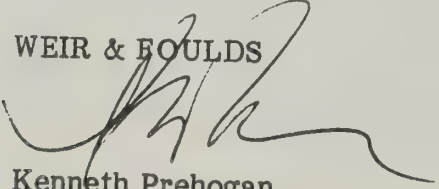
| | | |
|-------------|----------|-------------------|
| Binding | \$111.76 | |
| Copies | 1,119.64 | |
| Deliveries | 144.25 | |
| Search Fees | 50.76 | |
| Telephone | 26.98 | |
| Telecopy | 21.80 | |
| | | <u>\$1,475.19</u> |

TOTAL FEE AND DISBURSEMENTS

\$16,000.00

THIS IS OUR ACCOUNT HEREIN

WEIR & FOULDS


Kenneth Prehogan
/leh

Account Payable upon receipt. In accordance with Section 35 of the
Solicitors Act, interest will be charged at 11% per annum
calculated from 30 days after delivery of this account. A receipted ac-
count will not be mailed unless requested by you.

WHEN REMITTING PLEASE ENCLOSE THE DUPLICATE COPY OF THIS ACCOUNT



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTW

Office of the Clerk
119 King Street West, 15th floor
Hamilton, Ontario

526-4154

P.

9.

January 5, 1989

RECEIVED

JAN 10 1989

Refer to File No.

Attention of

Your file No.

Mr. E. Simpson, Clerk
City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8P 1H4

CITY CLERKS

Dear Mr. Simpson:

Re: Freeway Steering Committee
Report 8-88, Item 4

Regional Council at its meeting of November 1, 1988 concurred in the following recommendation:

4. North-South Parkway: Dartnall Road Interchange (FRE 88-045)
 - a) That the configuration and location for the Dartnall Road Interchange, as illustrated in figure 2, be forwarded to the Planning and Development Committee with a request that the Trenholme Neighbourhood Plan be amended in accordance with the proposal.
 - b) That the Project Director be authorized to continue the preliminary design investigations on the basis of the Dartnall Road Interchange configuration illustrated in Figure 2.
 - c) That the Project Director be authorized to undertake any submissions necessary under the Environmental Assessment Act.

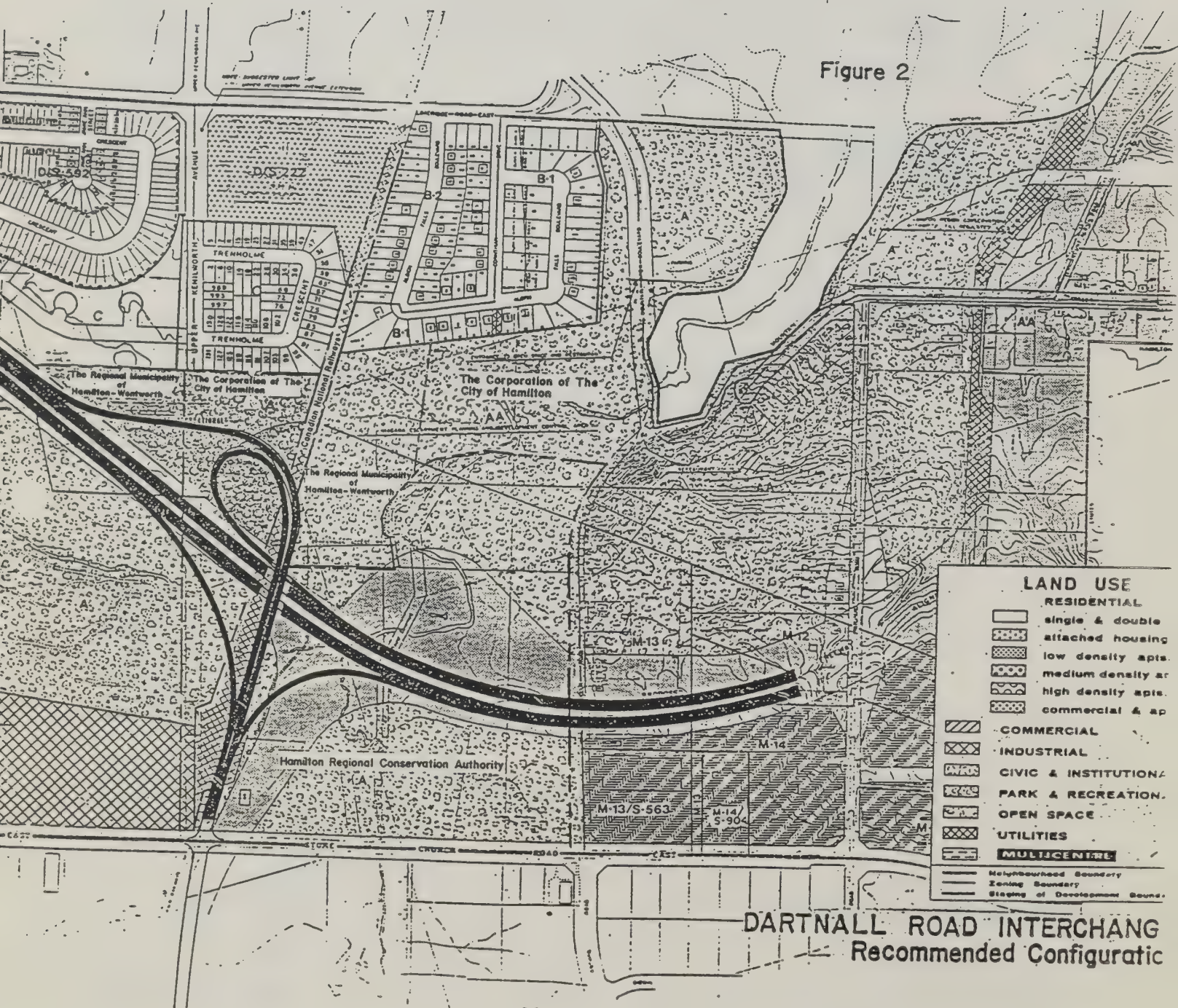
Should you have any questions, feel free to contact Mr. D. Turvey, Freeway Project Director, 526-4277.

Yours truly,

P. Noe Johnson, M.A., LL.B.
Clerk
Attach.

cc: D. Turvey
J. Thoms

Figure 2



FIRE 88-045

AGENDA ITEM 2.5
 TRANSFERRED



JAN 25 1989

CITY COUNCIL
HAMILTON, CANADA

ALDERMAN DON ROSS

Chairman, Economic Development & Planning
Chairman, Freeway Steering

71 MAIN STREET WEST L8N 3T4 • (416) 526-2730 • RES. (416) 387-1842 — WARD 8

January 24, 1989

10.

Mr. V. Abraham
Director of Local Planning

Dear Mr. Abraham:

RE: "Public Meeting of the Planning And
Development Committee" Notices

Prior to each Planning and Development Committee meeting,
each member is provided with copies of ALL notices.

As these notices are included in the agendas, I feel it
would be more appropriate for the Aldermen to receive only those
notices that concern their particular ward.

Would you please have this matter placed on the agenda of
the February 1st Planning and Development Committee meeting for
discussion.


Your co-operation in this regard is very much appreciated.

Yours truly,

Don Ross
Alderman, Ward 8

rd

cc: Planning and Development
Committee Members


Planning and Development Committee



CITY COUNCIL
HAMILTON, CANADA

Alderman Henry Merling
Chairman — Transport &
Environment
Committee

71 MAIN STREET WEST L8N 3T4 • (416) 526-2730 • RES. (416) 389-5903 — WARD 7

January 26th, 1989

11.

Mrs. Susan K. Reeder, Secretary
Planning & Development Committee

Dear Mrs. Reeder,

RE: LOT SEVERANCE - #1 BULL'S LANE

An application to sever the above lot was heard by the Land Division Committee and approved, in spite of the fact that the Region's Planning Department recommended the application be denied and the Niagara Escarpment Commission had requested that a decision on this file be deferred.

The balance of the property owners on Bull's Lane are all fiercely opposed to the requested severance and have appealed the decision of the Land Severance Committee.

I am asking that the Planning and Development Committee write to the Niagara Escarpment Commission and, based on the fact that the applicable City/Regional Departments are opposed to the granting of this severance, strongly urge the Commission to deny the applicant's request for lot severance.

Would you please place this item on the agenda of the February 1st meeting of the Planning and Development Committee, in order that I may address the members of the committee on this matter.

Thank you.

Yours sincerely,

Henry Merling
Henry Merling
Alderman, Ward 7

HM:wt

cc: Alderman J. Smith, Chairman
Planning & Development Committee

JAN 23 1989

Edison R. Hobson

M.B., CH.B., F.R.A.C.P., F.R.C.P.(C)

CARDIOLOGY

TELEPHONE
(416) 526-1015

19 Bold St.
HAMILTON, ONTARIO
L8P 3A8

Jan. 19, 1989

Mr. Henry Merling,
Ward 7 Alderman,
Chairman,
Transport and Environment Committee,
71 Main Street West,
Hamilton, Ontario,
L8N 3T4.

RE: Lot Severance #1 Bull's Lane
File # H-10-89

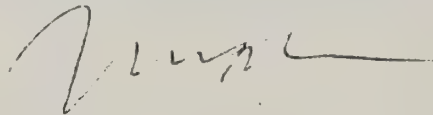
Dear Mr. Merling:

Please find enclosed, a copy of a letter sent to Mr. Dale Amy, to appeal against the decision to sever a lot at this address. This appeal is being made by all the neighbours on Bull's Lane to the Ontario Municipal Board and the reasons are stated in the letter.

I am writing to ask you to bring this matter up at the City of Hamilton's Planning and Development Committee with the request that the committee recommend to Council that this application be denied, as recommended by Mr. Zipay, Director of Planning and Development, in his report to Committee, as well as the Niagara Escarpment Commission's request for deferral.

Thank you for your help in this matter.

Yours sincerely,



Dr. E. R. Hobson

ERH/am
Encl.

Edison R. Hobson

M.B., CH.B., F.R.A.C.P., F.R.C.P.(C)

CARDIOLOGY

19 Bold St.
HAMILTON, ONTARIO
L8P 1T3

TELEPHONE
(416) 526-1015

Jan. 19, 1989

Mr. T. Dale Amy,
Secretary-Treasurer,
Land Division Committee,
The Regional Municipality of Hamilton Wentworth,
119 King Street West, 15th Floor,
P.O. Box 910,
Hamilton, Ontario,
L8N 3V9.

RE: E. R. Madronich
Severance of Lot at 1 Bull's Lane,
Hamilton, Ontario
Application # H-10-89
Submission # B-16-89

Dear Mr. Amy:

The five other residents on Bull's Lane, including myself wish to appeal the decision to approve this severance on the following grounds.

1/ Inaccuracies on the Application for Consent Form, in that the type of road access was stated to be City owned lane, whereas the access is over Bull's Lane, a private lane owned by myself and further the water supply was said to be Municipally owned and operated, whereas it is a private water line running through Bull's Lane.

2/ Mr. Madronich did not inform the neighbours of this severance and he indicated at the hearing that easement and access would have to be straightened out with the neighbours and he has not approached us on this point.

3/ I will not allow right-of-way to this severed lot over Bull's Lane for building materials, heavy equipment, water supply or other necessary services, or for anyone living in the proposed severance.

4/ In my opinion Mr. Madronich has not been a good neighbour in that he did not inform us of this severance, he has not approached me about right-of-way, he has not paid his share of snow removal, he has been parking on the lane at the corner narrowing it to a one way lane against my wishes, and he erected a basketball hoop on the lane and refused to remove it despite three letters and requests.

5/ The severance was approved despite recommendations for denial from the Planning Department and Building Department. The Hamilton Region Conservation Authority indicated that it did not conform with the building setback zone of the Niagara Escarpment, and the Niagara Escarpment Commission asked for deferral of the severance until a development permit application had been dealt with as they had concerns over its meeting their guide lines.

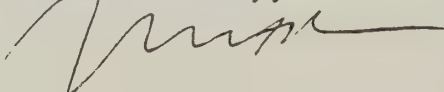
I am writing this letter on behalf of myself, and the other neighbours, William Morgan of #2, Walter Galdenzi of #3, Peter Dent of #4, Stewart Callaghan of #5 and myself from #6.

Apart from the above matters we also feel that it is out of keeping with the character of the properties coming off Bull's Lane.

Please find enclosed, a cheque for \$125.00 for this appeal.

cc - Mr. W. Morgan
- Mr. W. Galdenzi
- Dr. P. Dent
- Mr. S. Callaghan

Yours sincerely,



TELEPHONE
(416) 526-1015

Edison R. Hobson

M.B., CH.B., F.R.A.C.P., F.R.C.P.(C)

CARDIOLOGY

19 Bold St.
HAMILTON, ONTARIO
L8P 3A8

Jan. 19, 1989

Mr. Martin Killéan,
Niagara Escarpment Commission,
166 Main Street West,
Grimsby, Ontario,
L3M 1S3.

RE: Consent for Severance of lot
1 Bull's Lane, Hamilton
File # H-10-89 (Madronich)

Dear Mr. Killéan:

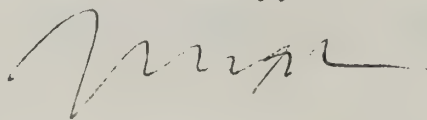
I am writing on behalf of all the neighbours on Bull's Lane, asking that a Development Permit from your commission for this severance be denied. Please find enclosed our letter of appeal to the Ontario Municipal Board, together with a letter to Alderman Henry Merling and also copies of information and reports relevant to this severance. As you can see the Planning Department were against it as was the Building Department because the Building envelope was too small to contain a building meeting the building code. You will recall that you asked for a deferral of this hearing until things had been looked into further.

The other neighbours and myself strongly feel that this severance is totally out of keeping with the other houses on the lane and it would set a bad precedent and we do not think that C-zoning with thirty-nine foot lots is appropriate to this small enclave of large historic homes on a private lane which is probably unique in Hamilton now with other larger homes having been broken up into subdivisions. Under the present zoning I could put ten houses on my own property at #6.

Another very important aspect is that Mr. Madronich's property opens on to Bull's Lane which is privately owned by myself and I will not be giving right-of-way or access over this land to any lot that is severed and the water line is private and will not give permission for the new lot to be hooked into this.

Please do not hesitate to contact me should you require further information from myself of the other neighbours, or if you felt that a meeting would be helpful I am sure the others as well as myself would be pleased to attend.

Yours sincerely,



Dr. E. R. Hobson

ERH/am
Encls.
cc - Mr. H. Merling



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
71 Main Street West, Hamilton, Ontario L8N 3T4

RECEIVED

JAN 3 1989

LAND DIVISION COMMITTEE
HAMILTON-WENTWORTH

December 21, 1988

Mr. Dale Amy
Secretary-Treasurer
Land Division Committee

Refer to File No. H-10-88 to
Attention of N. Hostiuc
Your File No. WP DOC. NO. 0371P

Re: Land Division Committee Application H-10-88
1 Bulls Lane

Applicant: Edward and Mary Madronich

PROPOSAL

To convey an irregular shaped parcel of land having a frontage of 111.05' and lot area of 5,173 sq. ft. and to retain the balance of the holding also irregular in shape having a frontage of 67.99' and lot area of 5,725 sq. ft.. The lands are to be used for residential purposes.

OFFICIAL PLAN

The proposal would not conflict with the intent of either the Hamilton-Wentworth or City of Hamilton Official Plans.

COMMENTS

Upon review of the applicant it was felt that the conveyance cannot be supported for the following reasons:

1. The lots being created would meet the minimum lot width and lot area provisions of the former "C" (Urban Protected Residential, etc.) District provisions. However, because of the configuration of the lot being severed it would appear to be difficult to build a structure within the provisions of the by-law.

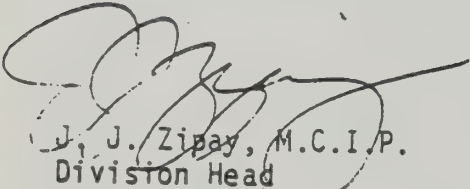
In this regard, the applicant should provide plans showing the feasibility of constructing a dwelling within the building envelope as per the provisions of the zoning by-law shown on the attached plans.

2. The lands are located within the Niagara Escarpment Development Control Area, thus any new development must be approved by the Niagara Escarpment Commission before a building permit can be issued. Therefore, their comments should be taken into consideration before a final decision is reached. It is our understanding that the applicant has yet to make an application to the Commission for approval of a development permit.

It is noted that the applicant intends to demolish a portion of the existing dwelling to accommodate the proposed severance.

Based on the fact that no building plans have been submitted to show how a new dwelling will be built on the conveyed lands within by-law requirements and that approval must be received from the Niagara Escarpment Commission for development permits. The proposal is considered to be premature and should be denied.

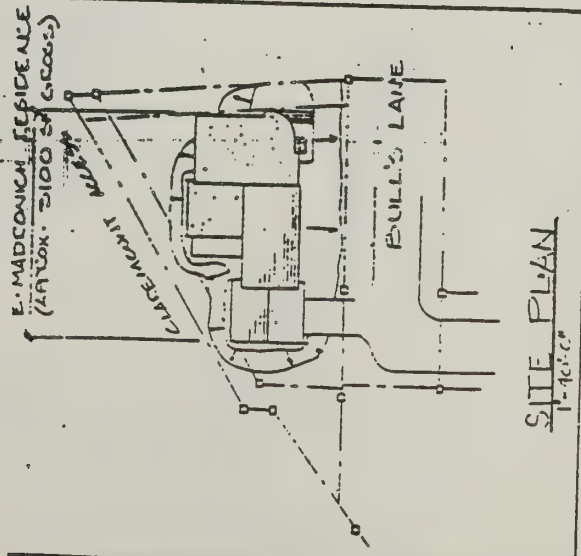
RECOMMENDATION Denial.

A handwritten signature in dark ink, appearing to read 'J. J. Zipay', is written over the typed name and title.

J. J. Zipay, M.C.I.P.
Division Head

Development and Urban Design Division

NH/nd

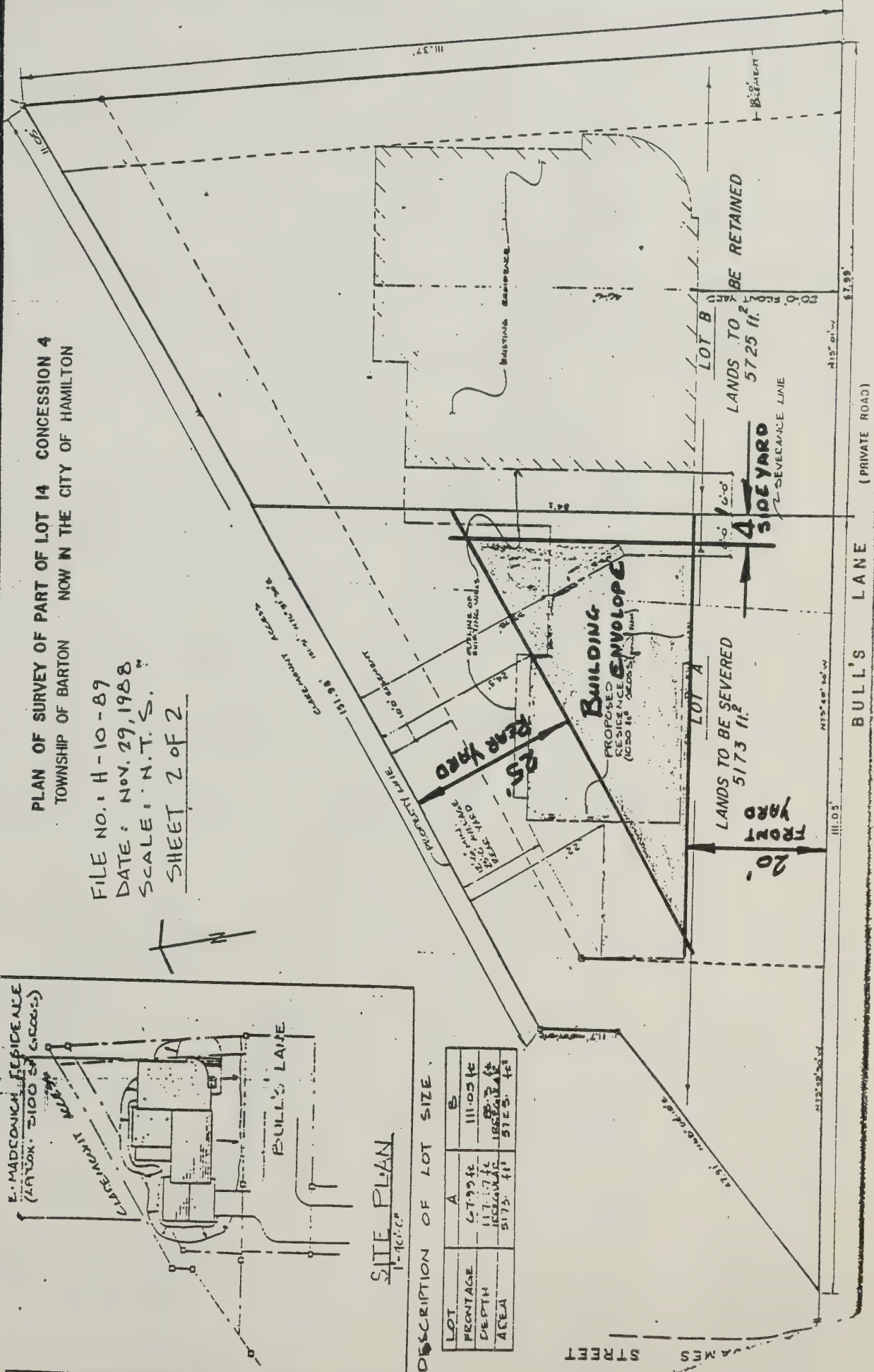


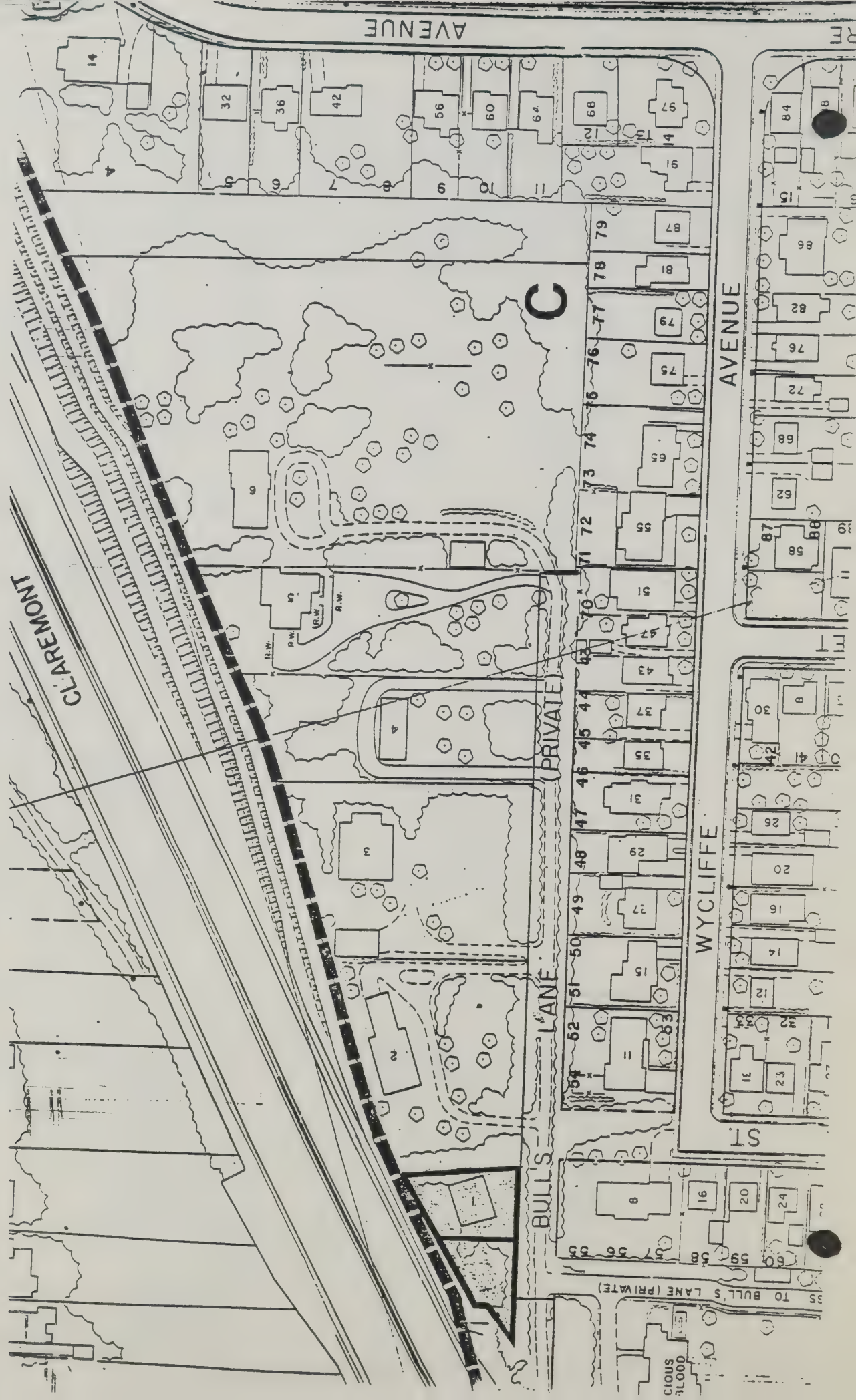
DESCRIPTION OF LOT SIZE.

| LOT | A | B |
|----------|----------------------|----------------------|
| FRONTAGE | 67.95 ft | 111.05 ft |
| DEPTH | 117.77 ft | 88.72 ft |
| AREA | 5173 ft ² | 9851 ft ² |

PLAN OF SURVEY OF PART OF LOT 14 CONCESSION 4
TOWNSHIP OF BARTON NOW IN THE CITY OF HAMILTON

FILE NO.: H-10-89
DATE: NOV. 29, 1988
SCALE: N.T.S.
SHEET 2 OF 2





WYCLIFFE AVENUE

WYCLIFFE

BULL'S LANE (PRIVATE)

CLAREMONT

C

SS TO BULL'S LANE (PRIVATE)

CIOUS
FLOOD



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

526-2766

RECEIVED

December 15, 1988

DEC 21 1988

LETTER OF THE
HAMILTON WATERWORKS

Mr. Dale Amy
Secretary
Land Division Committee

Dear Sir:

RE: Land Division Committee Meeting
January 3, 1989
H-1-89 to H-10-89

This Department has the following comments with respect to the above-noted applications:

H-1-89 to H-9-89 (N/S Stone Church Rd. W., west of 244 Stone Church Rd. W.)

The subject land is located in an "AA" zoning district.

The land to be severed requires a variance from the Committee of Adjustment for lot width and lot area. The land to be retained requires a variance from the Committee of Adjustment for lot width.

H-10-89 (1 Bull's Lane)

The subject lands are under the jurisdiction of the Niagara Escarpment Planning and Development Act.

Yours truly,


PAUL KUPPLE, P.Eng.
Building Commissioner

WKW/PCL:dm





THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

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1988

DIVISION COMM.
HAM WENTWORTH REG

I.D.#0243D(38)

December 22, 1988

Refer to File No. E218-01
Attention of T.L. Hearn
Your File No.

TO: T.D. Amy, Land Division Committee
FROM: K.A. Brenner, Engineering Department
RE: Land Severance Applications for the
January 3, 1988 Meeting

Further to your letter, please note the following comments and recommendations.

D-1-89: Louis & Nellie Sentesy, 48 Mercer Street
F-1-89: Fred & Heidi Keul, 52 George Street

Be advised that public watermains as well as sanitary sewers are available to service the subject lands.

F-2-89: Barb Bowen, Part of Lot 5, Concession 10
F-3-89: Teresa & Vince Pozzobon, 928 Beeforth Road
G-2-89: Keith and Irene Minor, Golf Club Road
G-4-89: J. Donald Prosje, 4610 Hall Road West

Be advised that neither public watermains nor sanitary sewers are available to the subject lands.

G-1-89: Vincent L. Politi, 3479 Binbrook Rd., East of Fletcher Road

Be advised that neither public watermains nor sanitary sewers are available to service the subject lands.

The designated road allowance width of Binbrook Road is 30.48m (100 ft) and Kirk Road is 26.21m (86 ft). The applicant is advised that, at some future date, lands will be required from those lands adjacent to Binbrook Road, and Kirk Road for road widening purposes.

Cont'd...

- page 3 -
December 22, 1988

Land Severance Applications for the
January 3, 1988 Meeting

Cont'd...

H-10-89: Edward and Mary Madronich, 1 Bulls Lane

Be advised that public watermainas as well as sanitary and storm sewers are available to service the subject lands.

According to our records, Bulls Lane is a private alley and jurisdiction of access, etc. must be resolved between the applicant and the adjacent owners of Bulls Lane.

According to our records, Part 2, 4 and 6 on Plan SS-1060 Surveys are easements retained by the City of Hamilton. According to our records, these easements are still on the plan and are not to be encumbered through the sale of these lands and the construction of a new home, etc. It is also the responsibility of the applicant to ensure that works on private property do not effect or disturb any construction within the Claremont Access road allowance

Ted Gill

TLH:ms
Encl.

cc: M.A. Chidley, Regional Surveyor
cc: N. Hostiuc, Planning Department

Note: Any and all lands adjacent to Regional and City Roads require the following:

- a) Any work within the road allowance(s) must conform to the respective streets/roads use By-Laws;
- b) Any change or new access requires an Access Permit and all costs associated with the construction is at the expense of the applicant/owner;
- c) Prior to the issuance of a Building Permit, a Building Setback Permit is required; and
- d) Development adjacent to a Regional road must conform to the Regional Road Setback By-Law No. 2613.



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

December 15, 1988

RECEIVED

DEC 19 1988

LAND DIVISION COMM.
HAMILTON WENTWORTH REG

Mr. T. Dale Amy
Land Division Committee
Planning and Development
Regional Municipal of Hamilton-Wentworth

Dear Sir:

Re: Land Severance Application
H-1-89 to H-9-89, H-10-89

We wish to inform you that the rated or known City of Hamilton local improvement charges which must be commuted for the above noted applications are as follows:

254 Stonechurch Rd. W.
H-1-89 to H-9-89

City Local
Improvements

SNIL

1 Bulls Lane
H-10-89

SNIL

If there are any questions, please contact Mr. D.J. Consoli at 526-4536.

Yours very truly,

L.A. Friday
Treasury Officer - Revenues

DJC:ng

cc: Planning Department - Attention: Mr. N. Hostiuc





Hamilton Region Conservation Authority

RECEIVED

JAN 9 1989

LAND DIVISION OFFICE
HAMILTON-WENTWORTH REG

H-10-89

January 5, 1989

Mr. T. Dale Amy
Secretary-Treasurer
Land Division Committee
Regional Municipality of Hamilton-Wentworth
P.O. Box 910
Hamilton, Ontario
L8N 3V9

Dear Sir:

RE: File H-10-89 Madronich
Lot 14, Concession 4, City of Hamilton

The planning staff of the Hamilton Region Conservation Authority has considered the above proposal and notes that the subject lands are located adjacent to the Niagara Escarpment brow. The Authority's guidelines recommend a no development zone be established, said zone to cover the actual escarpment face plus a 15 m (50 ft.) building setback measured from the crest. No development is to occur within this zone with the exception of auxillary structures.

As indicated on the site plan, a reduction of 28 ft. (6.7 m) to the above noted setback is required to accommodate the proposed building on the lot to be severed. However, on the basis that there is already an existing structure on the lot proposed to be severed and that the setback of the existing structure is maintained with the proposed building, the Authority has no objection to the severance.

Should you have any questions, please contact K. Dolan, Authority staff.

Yours truly,


R.W. Chrystian
Director of Planning & Engineering

KD:nb

cc: M. Kilian, Planner, N.E.C.

THE REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

LAND DIVISION COMMITTEE

NOTICE OF DECISION

APPLICATION NO: H-10-89

SUBMISSION NO: B-16-89

IN THE MATTER OF The Planning Act, R.S.O.-1983;

AND IN THE MATTER OF the Premises known as Municipal No. 1 Bulls Lane and being composed of Part of Lot 14, Con. 4, formerly in the Township of Barton, now in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth.

AND IN THE MATTER OF AN APPLICATION BY E.R. Madronich, 1 Charlton Avenue West, Hamilton, Ontario on behalf of Edward and Mary Madronich, 1 Bulls Lane, Hamilton, Ontario.

AND HAVING HAD REGARD TO THE PROVISIONS OF SECTION 50(4) OF THE PLANNING ACT, the decision of the Committee is that the application for consent to convey a parcel of land having a frontage of 111.05 ft. and an area of 5,173 sq. ft. for residential purposes and to retain a parcel of land having a frontage of 67.99 ft. and an area of 5,725 sq. ft. for residential purposes be APPROVED for the following reasons:


1. The proposal does not conflict with the intent of the Official Plan.

The Approval is granted on the condition that the applicant:

1. Satisfy ALL requirements of the City of Hamilton.
2. Pay a Capital Lot Levy of \$1,985.00 to the Regional Department of Finance.
3. Submit a deposited Ontario Land Surveyor's Reference Plan of the conveyed parcel to the Land Division Committee office, unless exempted by the Land Registrar.
4. Receive a Development Permit from the Niagara Escarpment Commission.

THE FOREGOING CONDITIONS MUST BE MET WITHIN ONE(1) YEAR OF THE DATE OF THE NOTICE OF THIS DECISION OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 52(20)).

Dated this 3rd day of January, 1989


Secretary-Treasurer

PLEASE NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS February 2, 1989



Ontario
HAND DELIVERED



Niagara Commission de
Escarpment l'escarpement
Commission du Niagara

(416) 945-9235

166 Main Street West
Grimsby, Ontario
L3M 1S3

166, rue Main ouest
Grimsby (Ontario)
L3M 1S3

December 30, 1988

RECEIVED

DEC 30 1988

T.Dale Amy
Secretary Treasurer
Land Division Committee
Regional Municipality of
Hamilton-Wentworth
P.O. Box 910
119 King Street West
Hamilton, Ontario
L8N 3V9

LAND DIVISION COMM
HAMILTON WENTWORTH REG.

Dear Sir:

RE: CONSENT APPLICATION
FILE NO: H-10-89 (MADRONICH)
Part Lot 14, Concession 4
City of Hamilton

Please be advised that the subject property is located within the "Urban Area" designation of the Niagara Escarpment Plan and within the Niagara Escarpment Development Control Area. The proposed development associated with the new lot creation will require a Development Permit from the Niagara Escarpment Commission.

The Commission is concerned that any proposed development may not comply with the "Urban Area" Development Objectives relating to compatible building size and siting with respect to the Escarpment environment. The proposed lot exhibits a relatively shallow depth, and the rear lot line encroaches to within 5.0 m (16.5 ft.) of the Escarpment brow. The Commission's review of a Development Permit Application would assist in determining whether or not this proposal complies with Part 2.4.5 of the Niagara Escarpment Plan's Development Criteria (Lot Creation).

Part 2.4.5 states, "The size and configuration of new lots shall be subject to the requirements of Official Plans and by-laws and the objectives of the designation." The restrictions of building size and siting established by the Development Permit process may limit the development potential of the proposed lot too severely for practical purposes.

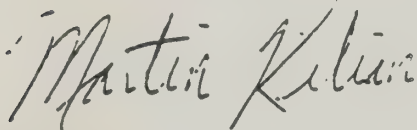
T. Dale Amy
H-10-89 (MADRONICH)
December 30, 1988

Based on the above, the Commission requests that a decision on this file be DEFERRED until a Development Permit Application has been dealt with for the proposed development.

If there are any questions, please do not hesitate to contact Martin Kilian at 945-9235.

The Commission requests a copy of the decision of the Land Division Committee or any adjournments.

Yours very truly,

A handwritten signature in cursive script that reads "Martin Kilian".

Martin Kilian
Planner

MK:cs

cc: Clerk, City of Hamilton

The application by E.R. Madronich, 1 Charlton Avenue West, Hamilton, Ontario on behalf of Edward and Mary Madronich, 1 Bulls Lane, Hamilton, Ontario.

Proposal: To convey a lot having a frontage of 111.05', and an area of 5,173 square feet for residential purposes, and to retain a lot having a frontage of 67.99', and an area of 5,725 square feet for residential purposes.

Appearances: Mr. E. Madronich, Applicant.

The Secretary read the comments from the following agencies:

Regional Planning and Development Department;
City of Hamilton Building Department;
Niagara Escarpment Commission;
City of Hamilton Treasury Department; and,
Regional Engineering Department.

Mr. Madronich reviewed the application and informed the Committee as follows:

1. This application is a matter of the chicken before the egg situation. We did not want to spend a great deal of money on proposed plans until we found out whether or not the Committee would be prepared to grant a severance.
2. We approached the problem on the basis that we would have to comply with the Zoning as well as the Niagara Escarpment Commission. That problem, if the Committee sees fit, can be overcome by a condition of the severance being that we comply with the Niagara Escarpment Commission.
3. I spoke to the Niagara Escarpment Committee and if the proposal is approved by the Committee, that would be our next step.
4. Mr. Madronich stated that maybe the small map that was circulated with the application did not clearly delineate the proposed structure.

In answer to questions from the Committee, Mr. Madronich stated that he picked up a copy of the Planning Department's comment. Their comment with respect to the By-law is not quite correct because they did not take into consideration that there is a formula which is used when you have a pie-shaped configuration.

We had a preliminary drawing done of what the building envelope would permit. The building envelope would permit a ground floor coverage of 1,050 square feet and this would comply with the Zoning By-law for setbacks, etc. We are proposing a 1 1/2 storey or 2 storey house in that envelope.

We comply with the zoning setbacks because there is a variable formula. The small map is not very clear as to the delineation of the proposed residence. I have a larger map which shows the delineation of the proposed residence which would comply with the zoning requirements.

About 12' will be taken off an existing swimming pool and added onto the western end of the garage. The portion of the residence right at the lot line is where the indoor pool is located, and we are proposing to remove part of it.

In answer to a question from the Committee, Mr. Madronich stated that the new lot is for my own use. Our existing house is large for us now. We will be selling the existing house and the new lot created will be for us.

Mr. Powell, a Committee member, stated that he believes that there are six residences located on Bull's Lane, and he questioned Mr. Madronich with regard to the neighbour's comments on his proposal.

Mr. Madronich stated that he has not spoken to any of the neighbours, however, he did post the sign right after he received it. It has been up for about three weeks.

Mr. Madronich indicated that the question with regard to the easement and access is to be straightened out with the neighbours. This lot was purchased

cont'd.....

from the City of Hamilton in 1970 or 1971. At that time the right-of-way was granted to this lot from the City so that we have complete right-of-way from Rosedene to the existing residence.

In answer to a further question from the Committee, Mr. Madronich stated that we have to maintain the road. There is also a portion which belongs to the City from the lane to Rosedene.

Following discussion, it was moved by Mr. Don Ewen and seconded by Mr. Jack Southall that the application for consent to convey a lot having a frontage of 111.05', and an area of 5,173 square feet for residential purposes, and to retain a lot having a frontage of 67.99', and an area of 5,725 square feet for residential purposes, located at Part of lot 14, Concession 4, formerly in the Township of Barton, now in the City of Hamilton (1 Bull's Lane) be APPROVED for the following reasons:

1. The proposal does not conflict with the intent of the Official Plan.

The Approval is granted on the condition that the applicant:

1. Satisfy ALL requirements of the City of Hamilton.
2. Pay a Capital Lot Levy of \$1,985.00 to the Regional Department of Finance.
3. Submit a deposited Ontario Land Surveyor's Reference Plan of the conveyed parcel to the Land Division Committee office, unless exempted by the Land Registrar.
4. Receive a Development Permit from the Niagara Escarpment Commission.

THE FOREGOING CONDITIONS MUST BE MET WITHIN ONE(1) YEAR OF THE DATE OF THE NOTICE OF THIS DECISION OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 52(20)).

CARRIED.
01/03/89



CITY COUNCIL
HAMILTON, CANADA

12.
Alderman Dominic Agostino

71 MAIN STREET WEST L8N 3T4 • (416) 526-2732 • RES. (416) 574-0179 — WARD 5

1988 November 16

Ms. Susan Reeder. Secretary.
Planning and Development Committee

Dear Susan:

Would you please advise if there is any legislation requiring that garbage shoots be on ALL floors of apartment buildings. if there is not, would you please arrange to have this item placed on the next agenda of the Planning and Development Committee.

Please find attached a copy of a letter I have received from a constituent regarding the above.

I would appreciate a response as quickly as possible.

Sincerely.

Dominic Agostino, Alderman,
Ward 5

DA:tb

Attch..1

Landlord apology demanded

HAMILTON ALDERMEN are threatening to sue the management of a Mountain apartment building for falsely blaming the city for a decision to close the garbage chute and make tenants carry their refuse outside, starting today.

Members of the transport and environment committee voted yesterday to take legal action unless Metro Property Management pays for a newspaper advertisement apologizing to the city and to tenants of the five-storey building on East 37th Street and Mountain Brow Boulevard.

"We should go after these people," said Alderman Tom Murray. "This is totally irresponsible."

Ward 6 Alderman John Smith told the committee some elderly tenants "can't sleep at night worrying about it, and they blame us."

City records identify the building owner as David Shiffman of Agate Road, Downsview, the same address as Metro Property Management, which sent tenants a notice stating: "We are very sorry for any inconvenience this change in policy may have caused you, but the City of Hamilton has left us no choice."

Calling that "a blatant lie," public works commissioner Joe Pavelka said a man identified only as L. Shiffman of Metro Property Management admitted trying to "use the city as a scapegoat" for something done for the building superintendent's convenience.

"This company needs to have its knuckles rapped and be humiliated somewhat," said Alderman Dominic Agostino. "We should give them the opportunity to apologize publicly or go to court."

11/10

Dear Sir

I am sending you two notices we received about our garbage chutes that we have at the Sierra apts. There is a lot of Older people in here & we all have to carry our garbage down to the first floor. Some even put it out on the balcony till they get enough to take it down in a small cart. They just won't open the chutes on every floor. They do everything to hurt the tenants. Closed the Rec room, filled in the pool. put the hairdresser out & made apts in the basement. The parking lot is full of pot holes & now the mail boxes are going to be down in the basement also. I don't know if you can help us or not but I am sending out an S.O.B. hoping you can.

I Remain

Henry Ross

770 2nd Avenue Rd

Apt 305 -

Dominion Management

A garbage compactor is being installed in Tiara Apartments and the garbage incinerator now in use is being removed. When the compactor is in place, all garbage may be deposited down the chute in the normal way: however, there will be no need to separate bottles and cans etc. The compactor will be complete in about 3 - 4 weeks.

For about 1 week, neither the incinerator nor the compactor will be working. For THAT ONE WEEK, THE CHUTE WILL BE CLOSED and garbage must be deposited in a temporary container at the back entrance. That will happen in about 2 - 3 weeks and last about 1 week.

It will require your cooperation but when the compactor is in place, garbage disposal will be easier for both tenants and management.

January 29, 1988

*The chutes are closed
except 1st floor and will
reopen.*

Dominion Management

OCTOBER 29, 1987

NOTICE

TO ALL TENANTS AT TIARA APTS

AS OF MONDAY 9TH NOVEMBER, 1987

TO MINIMIZE FIRE HAZARDS FROM THE GARBAGE CHUTE, AND THEREBY IMPROVE THE SAFETY AND PROTECTION FOR ALL RESIDENTS, AS APPROVED BY THE APPROPRIATE AUTHORITIES.

ALL WET GARBAGE ONLY MUST BE TAKEN TO FIRST FLOOR GARBAGE ROOM, AND PUT DOWN CHUTE.

ALL PAPERS, BOTTLES, AND CANS MUST BE TAKEN TO BASEMENT MOVING IN ROOM, WHERE GARBAGE BINS WILL BE PROVIDED.

ANY OTHER GARBAGE, ETC., YOU WISH TO DISPOSE OF, PLEASE CONTACT THE BUILDING MANAGERS, AND THEY WILL MAKE THE NECESSARY ARRANGEMENTS WITH YOU.

OFFICE MANAGER



12a.

THE CORPORATION OF THE CITY OF HAMILTON
DEPARTMENT OF BUILDINGS
HAMILTON, ONTARIO

TO: Mrs. Susan K. Reeder, Secretary,
Planning and Development Committee

FROM: Brian D. Allick,
Director of Inspections,
Building Department.

DATE: December 14, 1988

SUBJECT: Garbage Chutes, Apartment Buildings.

In response to your request for information regarding the concerns raised by Alderman Agostino, please be advised that there is no legislation that deals specifically with garbage chutes.

The provision of garbage chutes are at the discretion of the building owners only, and it is their prerogative as to which floors are served and if in fact, they permit the tenants to use them.

In reviewing our file, we find no recent complaints regarding this specific property.

Yours very truly,

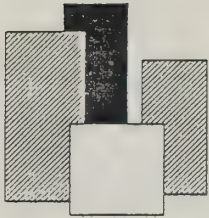
A handwritten signature in cursive script that reads "Brian D. Allick".

Brian D. Allick
Director of Inspections

BDA/ik.



JAN 13 1989



THE JOYMARMON GROUP

SUITE 108, 400 EAST 42ND STREET, HAMILTON, ONTARIO
TELEPHONE: (416) 385-1405 TELECOPIER: (416) 385-1530

12b

January 11, 1989

Original
Sent by Fax

Alderman John Smith, Chairman
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Alderman Smith:

Re: Agenda Item 8, Planning and Development Committee
Meeting to be held Wednesday, January 11, 1989

I have noticed the above captioned agenda item requested by Alderman Dominic Agostino concerning garbage chutes in apartment buildings and would like to present the following brief observations on this issue for the consideration of the committee.

At the outset, I would like to state that it is unfortunate that the actions of one (possibly two) landlord in the City of Hamilton makes the consideration of this matter by your committee necessary. It is this sort of action on the part of unscrupulous landlords that, in the past, has led to the passing of legislation such as rent control which has not been necessary for the vast majority of landlords but was only needed as a response to the antics of a few unethical apartment owners in Toronto.

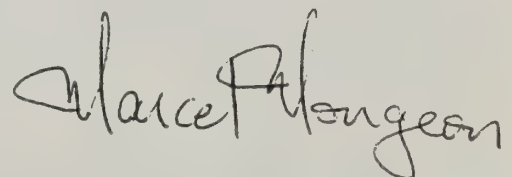
Although, as has been established, there is no legislation that deals with the provision of a garbage room and accessory chute on each floor of a high-rise apartment building, I think that on inquiry of the Building Commissioner, it can be established that all apartment buildings in Hamilton which have an elevator also have a garbage room with accessory chute. Therefore, the issue in fact to be addressed is whether or not such a room and facility be left open for the use of tenants at reasonable times of the day.

Your committee may choose to pass a bylaw regulating the opening of garbage facilities in an apartment building if they already exist. However, there is a much simpler way in which to proceed. The provincial rent review legislation recognizes that when a landlord withdraws services which existed at the time that a tenant rented their apartment, the tenant is entitled to a temporary or a permanent reduction in their rent depending upon the circumstances. In the case cited by Alderman Agostino, it would be far easier and quicker for the tenants concerned to make an application to the rent review commission to have a reduction in their rents. Given the loss of revenues involved, it is very likely that the landlords may reconsider the closure of the garbage rooms on each floor.

Of course you realize that the entire issue of garbage and garbage chutes has come about because of the new regulation requiring the elimination of all incinerators to be replaced by compactors. The cost related to this is of great concern to many landlords since these costs will then have to be passed on to the tenants.

I trust that the information contained in this letter will help the committee in its deliberations on this issue. I am, of course, available if you have any questions.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Marcel D. Mongeon". The signature is fluid and cursive, with the first name "Marcel" being more prominent than the last name "Mongeon".

Marcel D. Mongeon
General Manager

MDM/jt

cc: Susan K. Reeder ✓
Secretary

FOR ACTION

13.

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1989 JANUARY 12
COMM FILE:
DEPT FILES: SA-88-18
25T-88030

SUBJECT

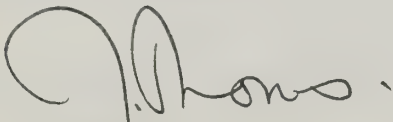
Draft Approved Plan of Subdivision "Anchor Road Industrial Park"

RECOMMENDATION

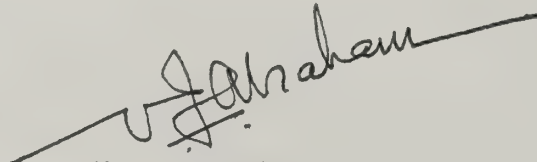
- a) That approval be given to Application SA-88-19, 456941 Ontario Ltd., c/o Silvestri Investments, owner, to establish a draft plan of subdivision, on the west side of Pritchard Road and north of Rymal Road, subject to the following conditions:
1. That this approval apply to the plan prepared by A. J. Clarke & Associates Ltd., dated August 23, 1988, revised to show 16 lots, one block (Block "17") for development with adjacent lands, one block (Block "18") for open space and two blocks (Blocks "19" and "20") as 0.3m reserve, a 26.0m width of Road "A", 12m x 12m daylight triangles at all crosses of the intersection of street "A" and Anchor Road, a 15m x 15m daylight triangle at the intersection of Street "A" and Pritchard Road, an increase to Block "18" and correspondent changes to the remaining lots.
 2. That the streets be dedicated as public highways on the final plan.
 3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 4. That the final plan conform with the Zoning By-law approved under The Planning Act.
 5. That Block "18" be set aside for acquisition by a public agency for open space purposes.
 6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

8. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 9. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-18), 456941 Ontario Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

Respectfully submitted,



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director
Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

456941 Ontario Ltd., c/o Silvestri Investments, Hamilton, Ontario

Surveyor

A. J. Clarke and Associates Ltd., Hamilton, Ontario

Location

The lands, comprising 7.14 ha, are located on the west side of Pritchard Road, north of Rymal Road in the North Hannon Neighbourhood, City of Hamilton.

PROPOSAL

The owner proposes to subdivide the lands into 17 lots for industrial purposes, one block for future development, one block for open space. The minimum lot size proposed has a width of 30.0m and an approximate area of 1,477.8m².

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Industrial-Business Park" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Industrial" and "Open Space". The proposal complies.

Neighbourhood Plan - the lands are designated "Industrial-Commercial", "Restricted Industrial" and "Open Space" and "Recreational". The road pattern as shown would require an amendment to the neighbourhood plan.

Zoning - the lands are presently zoned "M-13" and "M-14", "Prestige Industrial Uses" and "A", "Conservation, Open Space, Parks and Recreation" and "AA" "Agricultural".

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs;
Ministry of Transportation;
Ministry of the Environment;
Ministry of Natural Resources;
Ministry of Culture and Communications (subject to standard conditions);
Niagara Escarpment Commission;
Hamilton Region Conservation Authority;
Ontario Hydro, Union Gas, Bell Telephone;
City Traffic Department;
City Building Department.

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

- "1. It is recommended that Street "A" be established to a width of 26m with the widening offset to the northside of Street "A".
2. 12m x 12m daylight triangles are required at all corners of the intersection of Street "A" and Anchor Road.

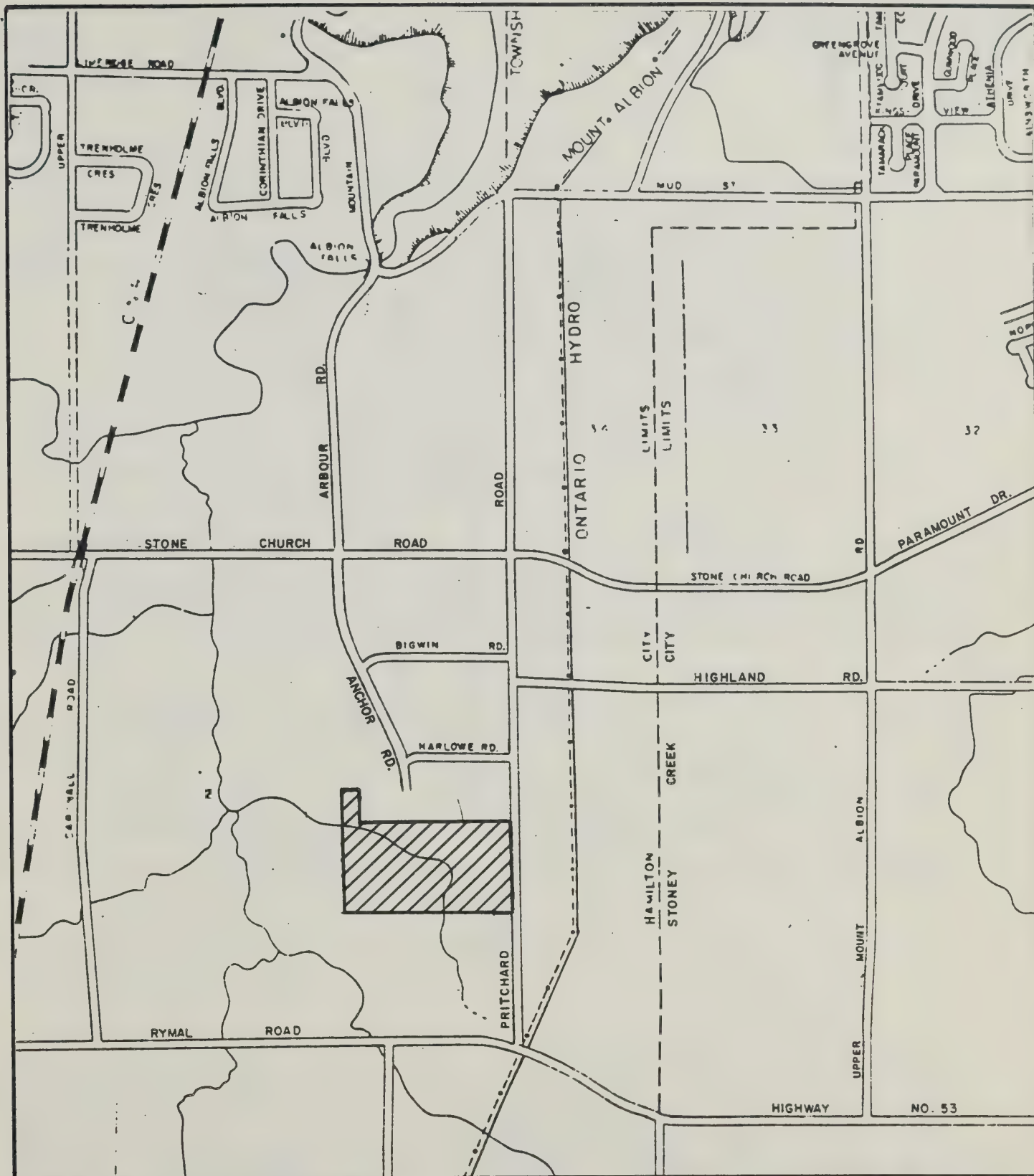
3. A 15m x 15m daylight triangle is required at the intersection of Street "A" and Pritchard Road.
4. The owner must enter into Subdivision Agreements with both the City of Hamilton and the Region, prior to the development of any portion of these lands.
5. The submitted plan as prepared by A. J. Clarke and Associates Limited and dated August 23, 1988, is satisfactory to the Department of Engineering, subject to the above-noted comments and recommendations.

For your information:

1. Pritchard Road north of Street "A" is intended to be closed, therefore access to Block "18" will be from Street "A" only.
2. The proposed development can be serviced to the existing storm and sanitary sewer outlet on the existing easement along the north limit of Lot 1 at Anchor Road.
3. Lots 1 to 14 can be serviced from the existing watermain currently on the existing watermain easement and proposed to be on the future Anchor Road extension.
4. Lots 15-17 can only be serviced via the installation of a watermain on Pritchard Road likely through the local improvement act.
5. Watermain oversizing will be required at an estimated cost to the Region of approximately \$25,000.00."

COMMENTS

1. The conformity of the proposal with the Official Plan and Zoning By-law is noted.
2. The proposed plan has been revised to reflect the requirement of the neighbourhood plan in regard to the road width and the Open Space Area.
3. Block "18" should be set aside for the acquisition as Open Space Area.
4. The requirement of the Ministry of Culture and Communications can be implemented through the conditions of draft approval to be established by the Regional Municipality.



Location Plan For

ANCHOR ROAD INDUSTRIAL PARK

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North

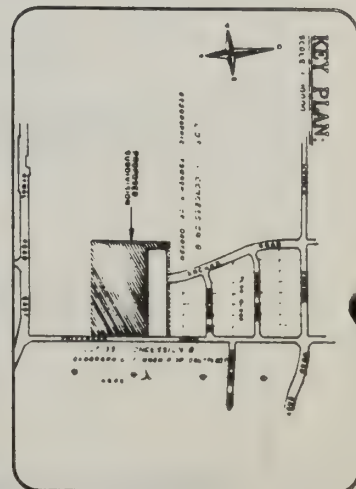
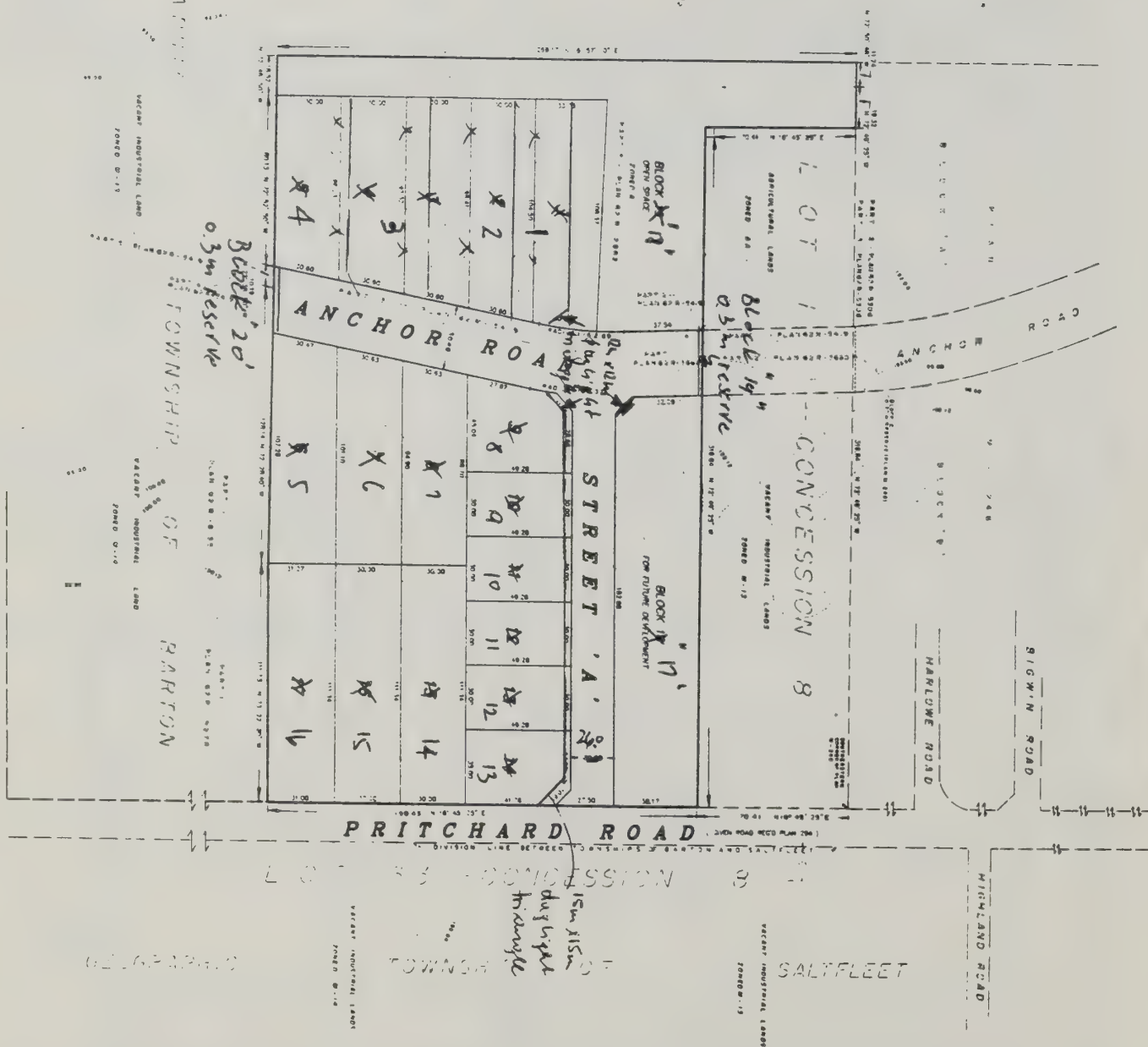
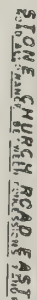


Scale
N. T. S.

Date
SEPT. 7, 1988

Reference File No.
25T-88030

Drawing No.



DRAFT PLAN OF
Anchor Road
Industrial Park
BEING A PLANNED DEVELOPMENT OF
PART OF LOT 1 - CONVESSION 8
GEODRAPHIC TOWNSHIP OF BARTON
COUNTY OF NEW YORK
CITY OF HAMILTON
OFFICIAL MAP OF THE CITY OF HAMILTON - 2000

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W.

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METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 2.54.

RE: CHAPTER 340-B.S.O. - 1980 SECTION 36 OF THE PLANNING ACT

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[illegible][illegible]

SURVEYOR'S CERTIFICATE:

1. CERTAIN THAT THE DOCUMENTS OF THE CASES TO BE SUBMITTED AS

SHOWN ON THIS PLAN AND THE MEASUREMENTS IN ADJACENT LANDS ARE
ACCUATELY AND CORRECTLY SURVEYED

August 25, 1900

DATE 10-20-66

OWNER'S AUTHORIZATION:

OWNERS ASSOCIATION

RE: FRY, ROBERT D
SUBJECT LAND
INTER AU MOBILE A U CLASSE AUC ASSOCIATES

10. I am not a member of any religious organization.

000000 03 . 1000

DATE _____

LAND USE SCHEDULE III.

UNIVERSITY OF CALIFORNIA

[illegible]

五、六、七、八、九、十、十一、十二、十三、十四、十五、十六、十七、十八、十九、二十、二十一、二十二、二十三、二十四、二十五、二十六、二十七、二十八、二十九、三十、三十一、三十二、三十三、三十四、三十五、三十六、三十七、三十八、三十九、四十、四十一、四十二、四十三、四十四、四十五、四十六、四十七、四十八、四十九、五十、五十一、五十二、五十三、五十四、五十五、五十六、五十七、五十八、五十九、六十、六十一、六十二、六十三、六十四、六十五、六十六、六十七、六十八、六十九、七十、七十一、七十二、七十三、七十四、七十五、七十六、七十七、七十八、七十九、八十、八十一、八十二、八十三、八十四、八十五、八十六、八十七、八十八、八十九、九十、九十一、九十二、九十三、九十四、九十五、九十六、九十七、九十八、九十九、一百。

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NOTE: All answers are given in the form of a sentence. The student should write the answer in the space provided.

100

A. J. Clarke and Associates Inc.

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FOR ACTION

14.

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1989 JANUARY 12
COMM FILE:
DEPT FILES: SA-88-24
25CDM-88010

SUBJECT

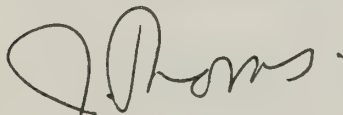
Proposed Draft Plan of Condominium "Mount Albion Park"

RECOMMENDATION

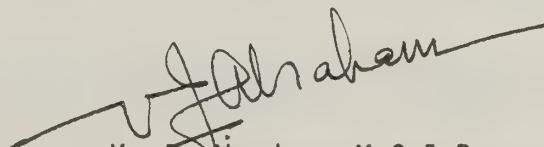
That approval be given to application SA-88-24, "Mount Albion Park", 660555 Ontario Limited, owner, to establish a draft plan of condominium located at the south side of Montmorency Drive and on the east side of Mount Albion Road, subject to the following conditions:

- a) 1. That this approval apply to the plan prepared by A. J. Clarke & Associates Ltd., dated November 14, 1988.
2. That the final plan show a distance of 7.6m between units 42, 43 and 50 and the top edge of the ravine slope and a distance of 7.6m between units 50 to 55 and the easterly property line.
3. That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.
- b) That the neighbourhood plan be amended accordingly.

Respectfully submitted,



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director
Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

660555 Ontario Limited, c/o M. Maravich, Hamilton, Ontario

Surveyor

A. J. Clarke & Associates Limited, Hamilton, Ontario

Location

The lands, comprising 2.042 ha, are located on the south side of Montmorency Drive and on the east side of Mount Albion Road, in the Red Hill Neighbourhood, in the City of Hamilton.

PROPOSAL

The owner proposes to construct 14 townhouse units within 11 buildings as a condominium project.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Existing Development" in the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Low Density Apartments". The proposal is subject to an amendment.

Zoning - the lands are zoned to permit the proposed use. The proposal complies.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the development:

Ministry of the Environment;
Ministry of Natural Resources;

City Board of Education;
Hamilton-Wentworth Roman Catholic Separate School Board;
Hamilton Region Conservation Authority;
Ontario Hydro, Union Gas and Bell Canada;
City Traffic Department;
City Building Department.

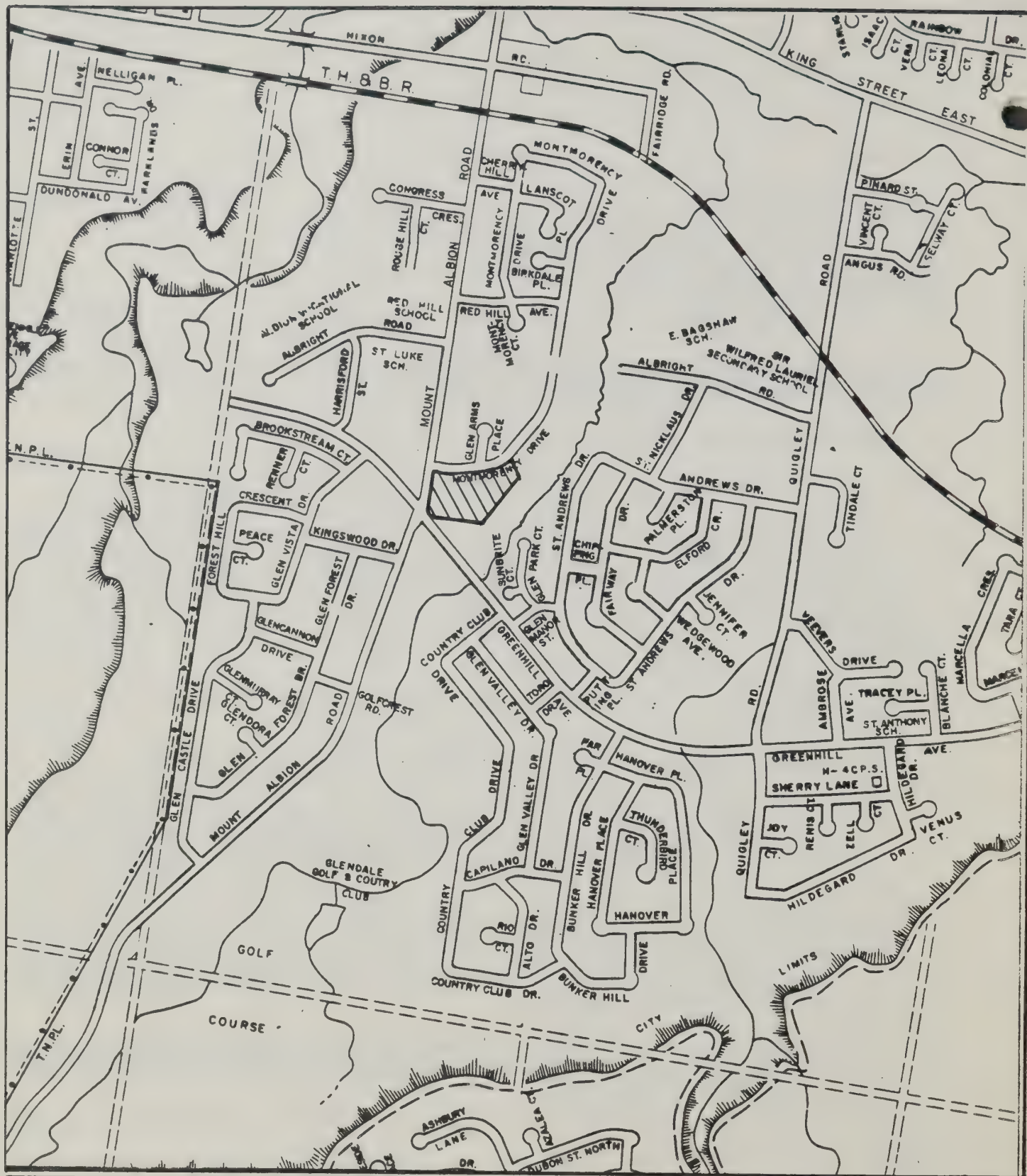
The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

1. The proposed development is serviced.
2. The owner must meet all financial requirements of the Region.
3. The submitted plan, as prepared by A. J. Clarke and Associates Limited and dated November 14, 1988 is satisfactory to the Department of Engineering, subject to the above-noted comments and recommendations."

COMMENTS

1. The conformity of the proposal with the Official Plans and Zoning By-law is noted.
2. No commenting agency has objected to the plan of condominium.
3. The owner received approval of a Site Plan under DA-88-94, however, there are some minor differences of 0.10m distance requirements between the top edge of the ravine slope and the easterly property and units 42, 43, 50 and 55.
4. The lands are designated "Low Density Apartments" in the approved plan for the Red Hill Neighbourhood. To reflect the recommended development of townhouses as a condominium project, this designation should be amended to "Attached Housing".
5. The plan of condominium is not a conversion and therefore, is not subject to the Rental Housing Protection Act of the Provincial Government regarding rental conversions.

JLS/jd



Location Plan For

MOUNT ALBION PARK CONDOMINIUM

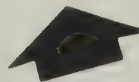
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED CONDOMINIUM

North

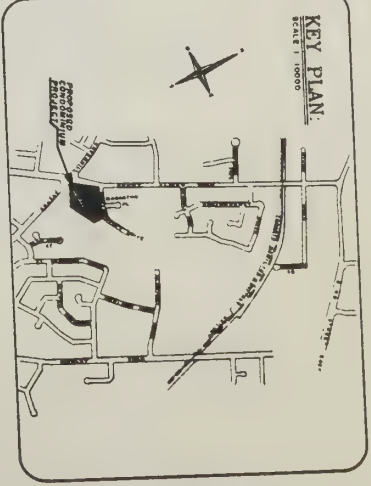
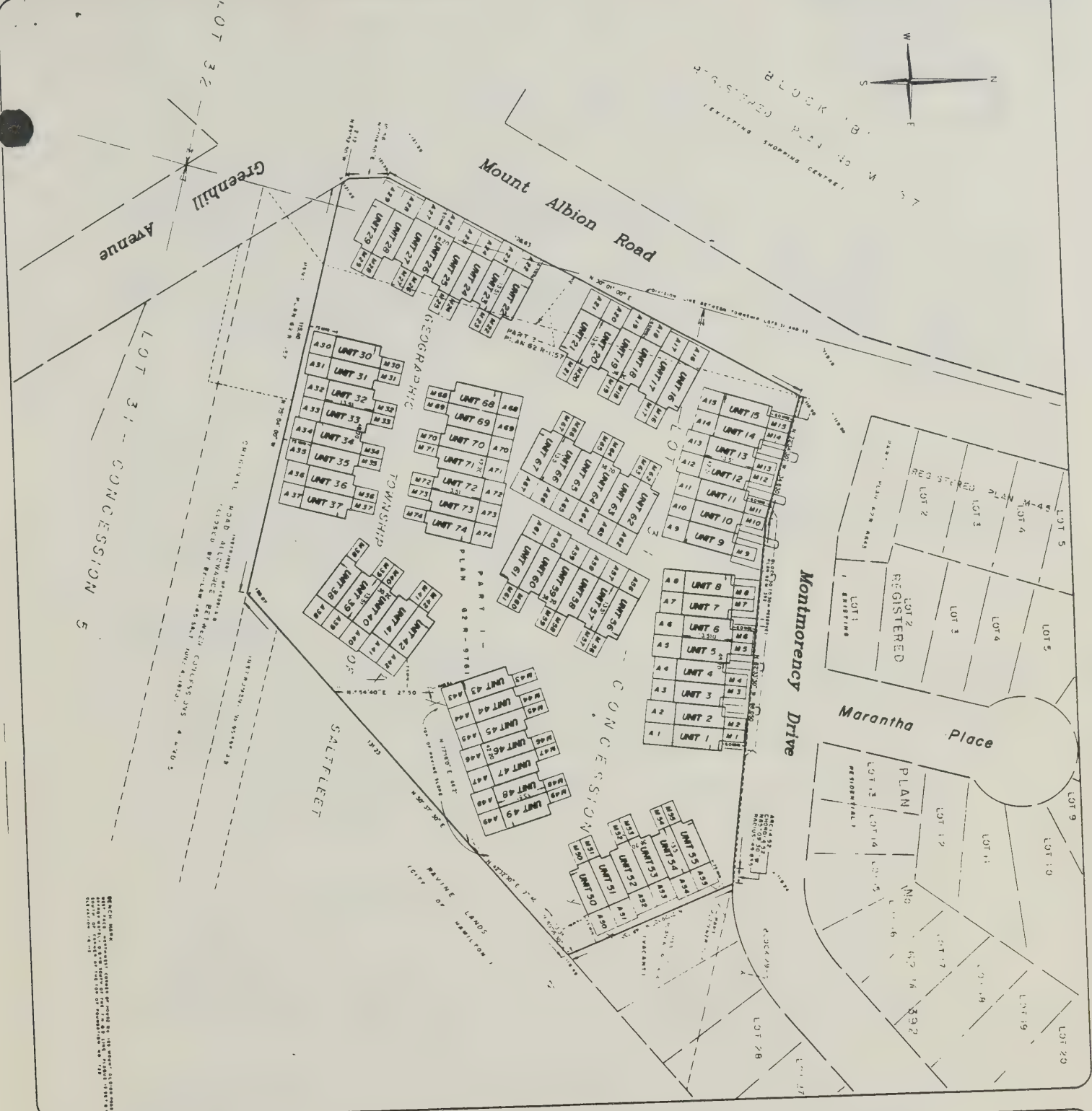


Scale
N.T.S.

Date
NOV. 24, 1988

Reference File No.
25CDM - 88010

Drawing No.



Mount Albion Park Condominium

DRAFT PLAN OF:

PART OF LOTS 31 AND 32 - CONCESSION 4
GEOGRAPHIC TOWNSHIP OF SALTFLICK
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WESTERN

SCALE 1:500

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1/256" = 1' 0"

1/512" = 1' 0"

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1/2048" = 1' 0"

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FOR ACTION

15.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 January 25
COMM FILE:
DEPT. FILE: DA-88-119
(DA-86-89)
Central
Neighbourhood

SUBJECT:

Site Plan Control Application DA-88-119 for a five storey parking structure at the rear of a residential-commercial development presently under construction at 36-42 James Street North to be known as Heritage Gardens.

RECOMMENDATION

That Site Plan Control Application DA-88-119 by The Reemark Group, owner for the lands at 36-42 James Street North for the development of a parking structure addition to the residential-commercial development presently under construction be tabled for the following reasons:

- a) access to the development should be referred to the Regional Engineering Services Committee and Council for consideration.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

Plans have been submitted for a 132 vehicle parking structure to be constructed at the rear of a residential-commercial development presently under construction at 36-42 James Street North.

The new structure will be primarily brick to match the existing structure but will also have precast concrete and metal siding features. It will have the appearance of a three storey structure but will have five levels of above grading parking and two levels below grade.

A pedestrian walkway is provided at grade between the two buildings and allowance has been made for a possible bridge connection over Main Street West to the future development at the rear of 52 James Street South.

The Building Department has advised that a variance to delete the required 3.0 m side and rear yard is required. Committee of Adjustment at its meeting of January 19, 1989 tabled application A-88-330 until the Site Plan Control Application has been considered.

The Traffic Department has indicated in their attached letter that the areas, loading area, turning radii and driveways should be redesigned to provide adequate visibility, proper and safe manoeuvring patterns for vehicles entering and exiting the site.

The Hamilton-Wentworth Engineering Department has advised in their attached letter the following:

- the applicant should enter into the appropriate encroachment agreements for existing structures.
- the development should include the removal and filling in of area ways under the Main Street sidewalk.
- details of the proposed bridge across Main Street should be included to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.
- the submitted plan should be redesigned to provide adequate sight visibility for pedestrian and vehicles entering and exiting the site and to provide sufficient and appropriate driveway width, turning radii and ramp locations.
- the submitted plan should be redesigned to provide an appropriate loading and manoeuvring spaces on-site in accordance with Section 9.2.19 of the Regional Official Plan.
- should the plan not be redesigned in regards to comments for access sight visibility, setbacks, loading facility, etc., the granting of access to Main Street, a Regional Road, would be referred to the Regional Engineering Services Committee and Council for their consideration.

The Planning and Development Department has the following comments:

- the proposed variance to delete the required 3.0 m side and rear yard can be supported since they are considered minor in nature and does not affect the adjacent existing development.
- the submitted plans have accommodated a pedestrian walkway at grade level between the existing and new structure on the property and a walkway at the +15 level for the future bridge to cross Main Street. As noted by the Engineering Department, additional information pertaining to a bridge structure should be included in this development and should be discussed with the Engineering Department.

- the submitted plans provide a loading space 9.1 m x 3.6 m (30ft x 12 ft) located in the walkway between the existing structure and the new structure. Also the access to the parking area is located further west. As noted by both the Traffic and Engineering Department these areas should be redesigned to provide safe and appropriate access, sight distances, manoeuvring, loading, etc. This redesign may affect the overall design of the development and this should be resolved prior to approval of the plans.
- the architect has met with staff from the various departments to discuss the noted concerns and has concluded that the proposed design does not create any adverse impact on the adjacent road.

CONCLUSION

Since the comments related to loading and access to the site have a major impact on the development plans, the application should be tabled for consideration of the Regional Engineering Services Committee and Council.

JPS/ma
WP0415P

Cont'd...

satisfaction of the Commissioner of Regional Engineering. Prior to any work within the road allowance, the applicant should contact B.U.D. at 527-7977 and this Department.

Any other works in the road allowances must conform to the Region of Hamilton-Wentworth Roads Use By-Law.

Access Considerations

We cannot support the plans submitted by the applicant for the following reasons:

- Motorists exiting the parking garage do not have adequate sight visibility for pedestrians within the sidewalk area, nor for other vehicles entering the parking ramp.
- The parking ramp access immediately adjacent to Main Street does not appear to have sufficient width, turning radii, etc. Motorists from the ramp enter the access area blindly.
- The proposed loading area will require that vehicles enter and exit the property with no visibility provided to vehicles and pedestrians in the Main Street road allowance.

The ticket/key lock mechanism for the parking garage must be located far enough from the Main Street road allowance such that its use will not result in traffic congestion. Comments from the Traffic Department should be considered.

Apparently, loading spaces are not required on site for this development under Zoning By-Law 6593; however, service vehicles will be required by this development. We recommend that loading and maneuvering space on site be required in accordance with Section 9.2.19 of the Regional Official Plan.

We advise that loading facilities as shown on the attached sketch, originally prepared by the applicant for the loading area, could function properly.

Although sight lines entering and exiting the loading area are not ideal, it could be improved by recessing or relocating the structure columns adjacent to the road allowance to a minimum of 1.67 m (+5.5 feet) from the street line and providing a complete open area on the ground floor for maneuvering and motorist visibility. This should be investigated by the architect.

Should the applicant not comply with the recommendations of our Department regarding access, sight visibility, setbacks and loading

Cont'd...

- Page 3 -
December 27, 1988

Cont'd...


facility, etc., the granting of access to Main Street, a Regional road, would be referred to the Regional Engineering Services Committee and Council for their consideration.

We therefore recommend that the applicant revise the plans and resubmit for our review and approval.

General Considerations

According to plans submitted by the applicant, a possible future connection is shown on the 2nd level showing a bridge across Main Street. This connection was also on a proposed development on the south side of Main Street. We strongly recommend that the design and concept of this bridge be discussed between developers to ensure that the bridge crossing aligns on the north and south side of Main Street. It is unclear as to what the elevation of the proposed bridge will be above the Main Street pavement, and it is our opinion that all these details be resolved now prior to any site plan approval.

The grading plan is satisfactory from this Department's point of view.

 JS:cab.
Encl.



Re: DA-88-119 (Amending DA-86-89)
36 and 42 James Street South

The frontage of the site along James Street is almost entirely utilized as a bus stop. It is our understanding that as a result of the large passenger demand along these routes, articulated buses may have to be used. This already results in virtually the entire block-face being used as a bus stop and will not allow any loading/service movements to occur. Illegal loading at this location will seriously impede HSR operations and thus impact James Street traffic.

The project abuts Main Street along a relatively narrow, 7 foot sidewalk. Any delivery/loading occurring in this area would impede pedestrian flow. In addition, the loss of a traffic lane along Main Street, at this key location, will lead to increased congestion and result in lengthy delays for eastbound traffic.

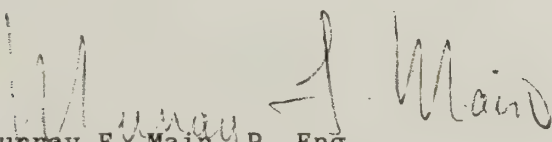
In summary, any loading/unloading activity which occurs adjacent to this site will result in serious traffic impacts. As loading/unloading activities are a certainty, we must recommend that an off-street facility to accommodate these movements be provided, despite the lack of a Land Use By-law requirement.

With respect to the application, as submitted, it should be noted that a loading zone has been suggested, however, given its location and layout provision of such a facility constitutes a safety hazard due to a lack of proper sight lines and maneuvering space.

The proposed access to the parking garage is unacceptable. Vehicles exiting from the lower parking level will be in conflict with entering vehicles, thus resulting in blockage of the access and sidewalk. The blockage will also result in traffic disruptions along Main Street potentially resulting in rear-end collisions.

The Traffic Department is aware of the benefits a redevelopment of this type can have for our downtown. We are also aware that when dealing with existing structures, some compromises may have to be made to allow for redevelopment. In this particular case however, our analysis, as well as the assessment of the Regional Engineering Department, has concluded that the proposed design cannot be supported.

Yours truly,


Murray F. Main, P. Eng.
Director of Traffic Services

RK/dd

cc G. Aston
Regional Engineering

FOR ACTION

16.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 January 20
COMM FILE:
DEPT. FILE: P6-2
CI-88-M

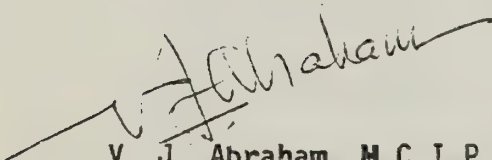
SUBJECT:

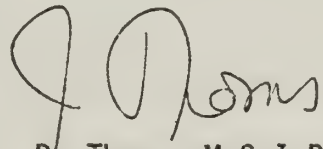
Revised Resolution for Proposed Official Plan Amendment No. 70 and City Initiative 88-M (Block "1" bounded by Burlington Street East, Oliver Street, Wilfred Street and Wentworth Street North; and Block "2" bounded by Wentworth Street North, Niagara Street and Land Street).

RECOMMENDATION

That item 7 of the third Report for 1989 of the Planning and Development Committee, as adopted by City Council on January 10, 1989, be amended as follows:

- o item 7(a) be deleted; and
- o item 7(b) be renumbered item 7, and clause (iii) be deleted.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

EXPLANATORY NOTE

The revised resolution will enable the proposed Official Plan changes to be included in the Official Plan update currently under preparation. This will eliminate the need of processing a site specific Amendment.

BACKGROUND

On January 10, 1989, Council approved Item 7(a) and (b) of the third report for 1989 of the Planning and Development Committee, endorsing proposed Official Plan Amendment No. 70 and City Initiative 88-M. The effect of CI-88-M is to repeal the proposed "F-4" (Waterfront Services) District modified zoning on the subject lands, and re-establish the original "K" (Heavy Industry, etc.) District modified zoning. The purpose of proposed Official Plan Amendment No. 70 was to make the required land use changes.

The required Official Plan changes are minor, and of a "housekeeping" nature. Such changes are usually incorporated into annual Official Plan updates. Accordingly, the proposed land use changes can be more expeditiously incorporated into the Official Plan update currently under preparation. As a result, it is no longer necessary to proceed with proposed Official Plan Amendment No. 70.

CONCLUSION

Based on the foregoing, the Council resolution regarding proposed Official Plan Amendment No. 70 and CI-88-M should be amended, as detailed in the Recommendation of this Report.

CL-M:CS
0157P

17.

F O R A C T I O N

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 01 25
COMM FILE:
DEPT. FILE: P5-4-2-20

SUBJECT:

Draft Provincial Housing Policy Statement - City of Hamilton's Response.

RECOMMENDATIONS:

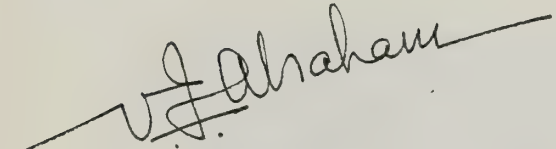
- a) That Hamilton City Council supports the objective of increasing the supply of affordable housing units.
- b) That Hamilton City Council requests the Provincial Government to review its existing policies and programs respecting the provision of affordable housing to develop a comprehensive housing strategy instead of introducing an additional policy which is aimed at only one aspect of the housing problem.
- c) That in the absence of a comprehensive housing strategy, then the Hamilton City Council request the Provincial Government to revise its draft Housing Policy Statement as follows:
 - i) to allow municipalities the flexibility to determine their own affordable housing targets instead of establishing a provincial target of 25%;
 - ii) to allow municipalities the flexibility to approve development applications on an informal basis instead of including rigid development application approval targets in the Official Plan;
 - iii) to ensure that the existing housing stock is considered in the Policy Statement given its importance in the provision of affordable housing;

- iv) to ensure that legitimate planning and engineering concerns such as public participation, protection of the environment, subdivision engineering standards are not dismissed in an attempt to provide affordable housing; and,
 - v) to rename the Policy Statement to "Residential Land Use Policy Statement", which more accurately reflects its intended purpose.
- d) That Hamilton City Council urge the Provincial Government to review the all provincial housing policies, programs and initiatives respecting the provision of affordable housing with a view:
- i) to reconsidering the issue of rent controls;
 - ii) to providing low income households with shelter allowances, tax credits, etc.;
 - iii) to reviewing Provincial legislation and practices regarding:
 - lot levies;
 - sale of Provincial lands at below market value; and,
 - land speculation tax.
 - iv) to providing financial aid to both private industry and the Region if expansion of services is to be considered;
 - v) to developing a public education program in conjunction with the municipality to dispel public fears associated with affordable housing;
 - vi) to decreasing the response time required for Provincial Ministries to respond to development applications; and,
 - vii) to decreasing the time it takes to set Ontario Municipal Board hearing dates.
- f) That the City Clerk forward the attached report and the recommendations thereto to the Ministries of Municipal Affairs and Housing, the Association of Municipalities of Ontario (Urban Section) for consideration, and the Regional Municipality of Hamilton-Wentworth for information.

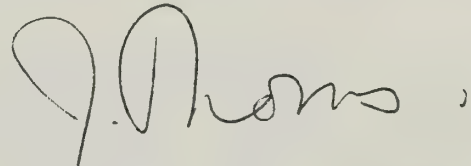
EXPLANATORY NOTE

In September, 1988, the Province released the Draft Provincial Policy Statement. The objective of the Statement is to increase the supply of affordable housing by requesting municipalities to provide a favourable environment conducive to the construction of affordable units. This favourable environment may be achieved through amendments to the land use planning process.

The Province has requested each Municipality to provide comments on the draft Housing Policy Statement by February 28, 1989.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development
Department

FINANCIAL IMPLICATIONS:

Unknown

BACKGROUND:

1.0) INTRODUCTION

In September 1988, the Provincial government, under Section 3 of the Planning Act, introduced a draft Housing Policy Statement. This statement was issued in response to a serious housing problem, namely the inadequate supply of "affordable" dwelling units in some areas of the Province. This shortage can be attributed to a number of social and economic factors which include changing household sizes and composition as well as a significant internal and international immigration. The problem is most acute in Toronto and the surrounding communities.

The intent of this policy statement is to establish a new land use planning framework aimed at achieving specific housing objectives (see below). The Statement places the burden on the municipalities to provide the opportunity for the provision of affordable housing through such actions as:

- o the formulation of Official Plan policies and zoning provisions which support a variety of housing types;
- o the development of zoning standards which would allow for a variety of housing types to be built; and
- o the acceleration of the development approvals process to potentially reduce the cost of housing.

It is important to note that the purpose of this Statement is to ensure that municipalities provide the OPPORTUNITY for the provision of affordable housing and only through the co-operative efforts of private enterprise and municipal governments will the increase in the number of affordable units be realized.

Prior to finalizing the draft Statement, the Province is seeking input from municipalities by February 28, 1989. The purpose of this report is to highlight the key elements of the Statement and to provide Committee and Council with a formal response to the Province.

The Region has also prepared a response to the Provincial government. Their conclusions are similar to those contained in this report.

2.0) OBJECTIVES

The basic objective of the policy statement is:

- o to require a minimum of 25% of the new housing stock within a municipality (new development, conversions and residential intensification) to be of a price that is affordable to approximately 60% of the households.

The 25% minimum is to be split: 12.5% of new units would have to be affordable to households within the 0 to 30th percentile income range [0 - \$26,800 (low income households)] and the remaining 12.5% would be for those in the 30th to 60th percentile [\$26,801-\$46,800 (moderate income households)]. (Source: Ministries of Municipal Affairs and Housing, Housing and Land Use Policy Statement: Implementation Guidelines, 1988, Appendix I)

Certain actions must be taken by the municipality in order that the objective is achieved. The municipality must:

- 1) establish a policy environment that encourages the development industry to increase the supply of land by ensuring that an adequate supply of land is available to meet a minimum 10 year growth period;

- 2) maximize the use of the existing building stock and physical and social services through the promotion of residential intensification and conversion of non-residential buildings and land to residential purposes; and
- 3) shorten the time required to process development applications (ie. zoning, subdivisions, official plan amendments and site plans).

It is assumed that these broad actions will reduce the cost of land which in turn will reduce the cost in the provision of housing. Thereby, more households will gain access to the housing market and be housed in units which meet their needs.

The Statement also assumes that governments (municipal and provincial through funding) will provide housing for those households within the 0 to 30th percentile income range, and the private market will provide units for the moderate income households.

From a philosophical viewpoint, the policy statement's objective to provide more affordable housing units is laudable; however, in analysing the various assumptions, policies and implementation methods established in the Statement and accompanying guidelines, three notable facts emerge. First, the Province has failed to take into account certain basic factors which are also responsible for the housing shortage. Second, the City of Hamilton has incorporated many of the Official Plan policies and Zoning By-law standards that the Province is suggesting. Third, the municipality will encounter difficulties in the implementation of the Statement. This report will deal with each of these aspects separately.

3.0) General Assumptions

There is no question that Ontario is facing a crisis in the provision of affordable housing. The reasons why such a shortage is occurring is complex since there are a variety of indirect and direct factors that are contributing to the problem. The draft Housing Policy Statement is an attempt to deal with the problem.

To start, the title of the Policy Statement is a misnomer in that it leads the reader to believe that it is a comprehensive housing strategy when in fact, it focuses on only one aspect of the problem; that being the land use planning process. It would be more appropriate to change the title to "Residential Land Use Policy Statement".

It is critical that the government develop an overall housing strategy instead of merely introducing a Policy Statement dealing with only one of the contributing factors the housing crisis. It is unlikely, in the short term, that an overall housing strategy will be implemented or made workable. In the interim, municipalities are expected to comply with the proposed Housing Policy Statement.

The policy statement fails to focus on three very important issues: affordability as an income problem rather than a supply problem; the existing housing stock; and rent controls.

3.1) Affordability:

The statement defines affordable as annual housing costs [rent or mortgage (based on 25% down payment), principle, interest, taxes etc.] which do not exceed 30% of gross annual household income. For example, if the household income was \$46,800 then they should be able to afford a \$133,500 house assuming a downpayment of \$33,375 [see Appendix 1]. (Source: Ministries of Municipal Affairs and Housing, Housing Policy Statement-Implementation Guidelines, Appendix I) The inherent flaw in this argument is that first time homebuyers cannot always afford to put down 25%, given that house prices are accelerating at a faster rate than income levels. In 1988, the price of houses in Hamilton increased by 20% over 1987.

Furthermore, the statement assumes that the basic problem for homebuyers is the high cost of housing and not income levels. It is fair to say that the housing costs are rising far more quickly than the average wage rates, thus widening the gap between the two. To adequately attack the problem of affordability, the issue of income levels must be addressed by the Federal and Provincial Governments in the form of shelter allowances, tax credits or some other kind of subsidy rather than relying solely on the provision of affordable housing. The issue of affordability is especially critical for low income households.

3.2) Existing Housing Stock:

The existing housing stock in the Hamilton area plays a very important role in the provision of "affordable" units. The average price of homes for re-sale ranged from approximately \$72,092 to \$186,408 in December 1988 and the median price being \$115,000. (Source: Metropolitan Hamilton Real Estate Board, Summary of Multiple Listing Service Sales) These figures indicate that there is a

supply of homes for those households with income in the middle to upper tier of the 30th to 60th percentile levels. Accordingly, the need to provide for those households within this income range is significantly less when the existing housing stock is considered. However, the Statement does not take this into consideration.

3.3) Rent Controls:

In 1975, the Provincial government introduced rent control as a stop gap measure to keep rent increases under control. Unfortunately, rent control has had a very serious affect on the supply of rental accommodation to the point where few units are being constructed, and those that are being constructed are being subsidized by some level of government. The vacancy rate in the Hamilton area has generally been declining since 1977: 4.3% to 0.1%. (Source: CMHC, Toronto Branch, Rental Apartment Vacancy Survey, various years) The Provincial Government must address this issue because many households are unable to purchase their own homes and renting is the only alternative. However, rental accommodation cannot be considered as a viable alternative if there are few units to rent. Given the potential role of market rental accommodations, the Province should reconsider rent control and the findings of the Thom Commission. Again, if a serious approach to housing is to be taken, it must be comprehensive in scope and not selective as there are many elements in the housing market equation that are being overlooked by the Province's current approach.

3.4) CONCLUSIONS

- 1) The Provincial Government has recognized the importance of increasing the supply of affordable housing. However, the draft Housing Policy Statement does not appear to be able to achieve this goal; it merely amends the land use planning process to provide a favorable environment for the development of affordable accommodation. Instead of developing a Policy Statement dealing with only one aspect of the issue, it would be more appropriate for the Province to review all policies/programs and develop a comprehensive housing strategy.
- 2) The Housing Statement is too narrow in its focus and consequently fails to take into account three key factors which have a profound effect on affordable housing; namely,

- o that rent controls have an adverse impact on the supply of affordable housing and therefore, should be reconsidered;
- o that affordability is also an income problem rather than a solely a supply problem and thus, the government should establish shelter allowances for those in need; and,
- o that the existing housing stock plays an important role in the provision of affordable housing for moderate income families.

4.0) HOUSING STATEMENT POLICIES - HAMILTON'S POLICIES AND PROCESSES

As previously stated, the thrust of the statement is to require each municipality to amend their land use planning instruments and processes to provide a more favorable environment for the provision of affordable housing. Accordingly, its policies focus primarily on requiring municipalities to amend the Official Plan and Zoning by-law as well as Subdivision standards and Site Plan Control.

4.1) Official Plan Policies

According to the Statement, the Official Plan must focus on three specific areas of municipal planning: variety and mix of housing; supply of land; residential intensification; streamlining the approval process and monitoring policies.

4.1.1) Variety and mix of Housing

The City's Official Plan currently contains policies which promote the general development objective of a variety and mix of housing. Policies A.2.1.8 and C.7.3(iii) and (iv) encourage the provision of all types of housing forms for all income levels which is in keeping with the intent of the Statement.

Further, the Statement indicates that "to create the necessary policy base for a variety and mix of housing to be achieved, the municipality will have to review and, in many cases revise its official plan. Many current official plan policies perpetuate the homogenous character of residential neighborhoods through the separation of different types of land uses." The City of Hamilton's Official Plan is atypical in that the RESIDENTIAL

designation is very general; it does not identify where specific dwelling types (ie. townhouses, single family, apartments) may be located.

The province has requested that Official Plans contain policies relating to the 25% affordable housing objective. This would include identifying specific areas within municipally defined planning units (ie. neighbourhoods) where affordable units would be located. In Hamilton's case, the Council adopted neighborhood plans (which identify land uses on a site by site basis) would be the implementing tool. However, to comply with the intent of the Statement, the City would have two choices: one, add a new map to the O.P. identifying the general locations of affordable housing (based on the neighborhood plan locations) or two, include neighborhood plans as secondary plans in the Official Plan. Option 1 is the preferred choice because it is easier to implement.

As mentioned previously, half of the affordable units are for those households from low income groups and the other half is for moderate income households. The Province is assuming that the need for housing is evenly split between these two income groups and it further assumes that the affordable housing target of 25% minimum will meet the needs of the municipality. The danger in setting a provincial target is that it is not sensitive to the local conditions and needs. Accordingly, municipalities are better able to identify their own needs. This can be achieved through the preparation of Municipal Housing Statement; these Statements are approved by the Ministry of Housing. The intent of this document is to examine demand (present and future housing requirements) and supply (housing stock, development and redevelopment activity, availability of land) factors of the housing market. From this data housing problems are identified and priorities are set. The Planning and Development Department is currently preparing the Municipal Housing Statement for Hamilton and it is expected to be completed in the Fall of 1989. Based on the above, the Policy Statement should be flexible enough to allow each municipality to determine their own affordable housing targets.

4.1.2) Supply of Land

To ensure that an adequate supply of land is available for residential development, municipalities must designate lands for residential purposes to accommodate 10 years of projected growth. All lands within the City are designated in the Official Plan for urban purposes. Based on the current high development rate continuing, the City can

easily accommodate 10 years of growth (based on average growth rate over the last 10 years) on the remaining undeveloped residentially designated lands. If redevelopment and conversions are considered, then the potential housing supply is much greater.

The Statement also requires Official Plans to include policies outlining the capacity of existing and proposed engineering services to accommodate the 10 year growth. The design of engineering services in the City is based on ultimate growth and the capacity is based on maximum densities. Accordingly, the future servicing potential represents a growth rate that is greater than 10 years. Furthermore, in 1984, the Official Plan was amended to replace the servicing policies relating to 'staging of development' with 'Development and Servicing Extension' policies. The old policies were seen as artificial barriers to development in that they restricted certain areas from being developed until adjacent areas were fully developed. The current policies are a logical approach to servicing in the City in that they encourage residential development where services are available.

Further, the draft Statement also requires, the O.P. to include a policy which would set a target of a minimum two year supply of draft approved and/or registered lots being available for residential development. The City of Hamilton currently has 3,542 draft approved and registered lots available (including townhouses, singles and two family dwellings. Based on the current high growth rate of 1,200 dwelling units per year, the City has an approximate three (3) year supply of potential lots.

4.1.3) Residential Intensification

The Province is encouraging municipalities to make better use of existing resources such as municipal services, old buildings, etc. Accordingly, Official Plans are to include policies on three specific areas: mixing of land uses; conversion of non-residential buildings into dwelling units and additional dwelling units within existing buildings.

By virtue of Hamilton's Official Plan policies A.2.2 and A.2.6.5, residential uses are permitted within Commercial and Major Institutional designations. Further, these policies encourage mixed use developments such as dwelling units located above stores. In addition, the City has recently amended the O.P. for the Central Area to provide more policy direction for the concept of mixed use and the provision of affordable housing.

The Official Plan is silent on conversion; however, both the City and private enterprise have demonstrated support for conversions as evidenced by the conversion of non-residential sites for residential purposes. For example, the old Wentworth Street School and the Ryerson school site were both developed for townhouses/apartments. The Municipal Non-Profit Housing Corporation converted the former and private enterprise built the latter. In addition, an old industrial site located in a residential area in West Hamilton was rezoned for residential purpose; thereby eliminating a land use conflict as well as providing the opportunity for infill residential development.

The Planning and Development Department is currently undertaking the Housing Intensification study which is dealing with the various actions the Statement has identified as possible housing alternatives; namely, the conversion of single family dwellings for additional units; the provision of granny flats, infilling etc. The study will be completed in 1990, therefore, it is important for the study to be completed before Official Plan Amendments are initiated.

4.1.4) Streamlining the Development Approval Process

One of the greatest areas of concern for the provincial government appears to be length of time it takes to process development applications. "It has been argued that the decision making process takes longer than necessary resulting in increased cost to the proponent." Inevitably, the increased cost is passed onto to the homebuyer. Accordingly, the Statement has identified sample targets for the completion of various aspects of the development approval process (see Appendix 2). Most of the sample targets are achievable with the exception of subdivision applications which take at least twice as long as the Province is suggesting given the complexity of the issues involved.

For the most part, the City of Hamilton processes development applications (ie. subdivision, zoning, severances, etc) within the elapsed time frames set out in the sample targets. Unlike many municipalities, the City of Hamilton processes applications in tandem. For example, if a subdivision requires an Official Plan amendment and a zoning change, the report submitted to the Planning and Development Committee will contain all the necessary changes. This enables the Committee to hold a single public meeting for both the Official Plan and zoning changes at the same time, render a decision and make recommendations to

Council 13 days later. It should be noted that the City's process is considerably shorter than other municipalities.

In accordance with the Planning Act 1983, the City, in 1984, generated O.P.A. 15 which reduced the length of time required for the mailout of the public meeting notice from 30 to 17 days. This action further typifies Hamilton's commitment to shorter processing times.

In October 1987, the Ministry of Municipal Affairs delegated to the Region the responsibility of approving Official Plan Amendments for the area municipalities. This delegation has generally resulted in faster processing and approval of amendments than previously experienced.

It is Hamilton's experience that the bottlenecks in the process are waiting for comments on development applications from the various provincial ministries and for the O.M.B. to set a hearing date for referrals.

To further streamline the development approval process, would jeopardize the municipality's ability to adequately assess environmental, neighborhood and other impacts. The Planning Act requirements were set in place to ensure that the development approvals process provides opportunities for public participation.

Establishing rigid processing times for development applications in the Official Plan is unnecessary. In many instances, the delays in the process are beyond the municipality's control or, in some cases, out of their jurisdiction. Therefore, some degree of flexibility in the development process should remain at the municipal level to ensure is able to absorb any potential delays without being in contravention with the Official Plan.

It appears that the Policy's Statement objective to reduce the processing times for development applications is aimed at other municipalities who hold 2 or 3 public meetings prior to making a Council decision.

4.1.5) Monitoring Policies

To determine the municipality's effectiveness in meeting the housing objectives, the Official Plan is to contain monitoring policies. Examples of such policies include; a comparison between actual growth/development and projected growth/development; a system to review the provision of housing in light of the 25% affordability, etc.. A review of the housing objectives would occur at least every five years but it is more likely that this review would be undertaken more frequently in higher growth areas. Inclusion of these

policies in the Official Plan is not a concern for the City.

4.2) Zoning By-law

In accordance with the draft Statement's objective of increasing the supply of affordable housing through a more flexible land use policies and standards, a review of the zoning by-law would have to be undertaken in the following areas: the permitted uses within each district; development standards (ie. lot size, yard requirements etc.); and residential intensification. In addition, the Statement suggests that other innovative zoning techniques such as holding zones and bonusing be used.

4.2.1) Permitted Uses

The Statement claims that many municipalities have restrictive zoning districts in that they permit only one residential use in one district. This is generally not the case in Hamilton. The City's Zoning By-law is frequently referred to as a "pyramid" by-law in that uses in a low density residential district ("C" district) are permitted in higher density districts ("E" district). This pyramid system is effective in terms of permitting a variety of residential types within one zone, thereby minimizing the need to rezone. The townhouse districts ("RT-10", "RT-20", "RT-30" districts) and the low density residential districts ("B's", "C" and "R-4" districts) are more restrictive in that they only permit a limited number of uses.

4.2.2) Development Standards

The Statement requires municipalities to review their development standards to determine if they are excessive (ie. too many standards, too restrictive in their application) and/or unrealistic in today's housing environment.

Province has found that it is common practice in many municipalities in Ontario for zoning bylaws to contain minimum lot coverage and minimum dwelling unit sizes; these restrictions basically dictate the size of a house to be built. Hamilton's By-law does not contain these restrictions.

In addition, all by-laws contain minimum lot sizes, frontages, and yard requirements. These limits are necessary to avoid buildings located too close to each other as well as too close to the street. The requirements established by Hamilton cannot be considered too 'excessive' compared to other municipalities as illustrated below.

| <u>Requirement</u> | <u>Hamilton ("C" District)</u> | <u>Mississauga ("R-3" District)</u> |
|--------------------|------------------------------------|---|
| Frontage | 12 m | 15 m |
| Front Yard | 6.0 m | 7.5 m |
| Side Yard | 1.2 m | 1.8 m |
| Rear Yard | 7.5 m | 7.5 m |

To demonstrate Hamilton's commitment to providing different development standards to meet the different housing needs of the market, the City offers an alternative to the traditional single family dwelling lots. The "R-4" district allows for zero lot line single family detached dwellings on 10 m (32 ft.) frontages. The density is greater than the average single family dwelling zones.

It is important to note that reducing the standards beyond a certain minimum to accommodate what may be a short term problem (lack of affordable Housing) could have very serious effects on the stability and character of residential neighborhoods.

4.2.3) Conversion Requirements (Intensification)

To encourage the provision of additional dwelling units within existing buildings, the Statement requires that the Zoning By-laws contain provisions to permit this to happen.

Section 19 - Converted Dwelling Requirements - of the City's Zoning By-law allows the conversion of a building for a greater number of dwelling units provided it meets certain criteria (ie. age of building, lot size, parking). The By-law can be considered fairly liberal in that it provides the opportunity for conversions if the building and lot size are suitable.

As previously mentioned, the Planning and Development Department is undertaking the Housing Intensification study. Part of the study will focus on the conversion standards in the zoning by-law. If a need to change the standards is identified, than a zoning by-law amendment will be initiated.

4.2.4) Holding Zone

In keeping with the intent of the Statement, the City has in recent years, used the holding zone as a means of permitting development which would otherwise not be permitted. For example, lands in the south mountain area have been rezoned but the holding 'H' symbol has been placed until full municipal services are available. The use of the holding zone allows the owner to develop his property immediately (for the intended use) once the services are installed, instead of delaying the rezoning process until after the services become available.

4.2.5) Bonus Provisions

The Statement encourage municipalities to use the bonusing technique for the provision of affordable housing. Bonusing is a zoning technique which allows a developer increased density/height on his lot, if he provides added amenities such as day care centers, additional landscaping etc included in the proposal. Other municipalities permit bonusing and have experienced many problems with the technique. If Hamilton is to make use of this technique in the context of affordable housing, a detailed feasibility study would be necessary to determine the appropriateness and circumstances when bonusing could be applied.

4.3) Subdivision Standards

The Policy Statement suggests that the municipality review both it engineering and planning subdivision standards in an attempt to reduce the cost of developing land. The Planning Standards as they relate to subdivisions (ie. lot widths, sizes etc.) have been addressed in other parts of the report with the exception of the parkland dedication.

4.3.1) Engineering Standards

The Engineering standards (road rights-of-way, sanitary and storm sewers, sidewalk widths, utility locations, etc) have been agreed to by the Region, the City and the utility companies. The standards are consistent with the standards set by the Association of Municipal Engineers and other organizations. They are considered to be current and are reviewed from time to time with amendments made as warranted.

Some of the changes the Province is suggesting have been investigated but not implemented due to long term maintenance costs. The Province suggests it could be economical to have all services using one utility corridor. Each utility has their own corridor to ensure that damage

would not be caused to other utilities when repairs are undertaken, for example.

Other changes the Statement suggests, such as the location of sidewalks, have already been implemented by the Region and City. In 1986, the Region amended its policy on the installation of sidewalks making them optional in cul-de-sacs and crescents.

4.3.2) Planning Standards

The Statement suggests that municipalities ensure that parkland dedication and open space requirements do not exceed anticipated needs. In 1985, a study by DuToit Associates compared the Official Plan standards with the existing parkland in the City. The study identified that the City has a very small surplus (5 ac.) of neighborhood parkland (this includes undeveloped lands as well) and a deficit of 46 ac. in Community Parkland. (Source: DuToit and Associates Ltd., Leisure Master Plan: Analysis and Alternative Directions, 1985, p.7-62) Based on this study, parkland dedication does not exceed the City's needs.

4.4) Site Plan Control

The Province suggests that Site Plan Control not be applied to low and medium density residential developments. In the City's case, one and two family dwellings are exempt, whereas townhouses and apartments are required to enter into development agreements with the municipality. Site Plan Control is necessary to ensure that compatibility is maintained between uses; especially where medium density abuts low density uses given the potential for impacts (ie parking, landscaping, access driveways, building locations, etc.). It will become an increasingly important in the future if more medium density developments are to be constructed. Accordingly, the City's Site Plan Control By-law should not be changed.

Regardless of the draft Provincial Housing Policy Statement, the City should continue to investigate ways and means of streamlining the site plan approval process. Consideration should be given to hiring additional staff to comment on all aspects of the site plan, not only the preparation of staff reports and execution of the plan.

4.5) CONCLUSIONS

- 1) The City already complies with many of the policies set out in the Statement; specifically,

- o the Official Plan encourages a range of housing types for all levels of income;
 - o the Official Plan designates lands for residential development for a growth period that exceeds 10 years;
 - o the City has approximately a 3 year supply of draft approved and registered lots for all housing types;
 - o the O.P. servicing policies do not inhibit residential growth;
 - o the servicing plan for the City is designed for a growth period in excess of 10 years;
 - o the Zoning By-law is flexible in that it provides for a range of housing types within one district and the development standards contained within each district are minimal;
 - o the Zoning By-law allows conversion to additional dwelling units for older units only;
 - o the Holding symbol 'H' is used, where necessary, to permit development once full municipal services are available;
 - o the development approval time frame targets established by the Province are similar to the City's targets with the exception of the subdivision time frames;
 - o the subdivision engineering standards are up-to-date and if a change to the standards is identified than amendments to the Regional By-law will be made; and,
 - o the open space requirements and the parkland dedication do not exceed the needs of the City.
- 2) As indicated above, the City is one step ahead of the Province in providing the opportunity for affordable housing through the land use planning process. However, the following actions are required to fully meet the intent of the draft Statement:
- o the completion of both the Housing Intensification Study and the Municipal Housing Statement prior to Official Plan and zoning by-law amendments being initiated; and,

- o the addition of a new map in the Official Plan to identify areas of affordable housing or to incorporate all neighborhood plans as Secondary Plans in the Official Plan. and,
 - o the introduction of new Official Plan policies regarding the 25% affordable target, monitoring policies etc.
- 3) The Province has indicated that the proposed amendments to the Official Plan and Zoning By-law etc. will provide the OPPORTUNITY for the provision of affordable housing. However, without the co-operation of private enterprise, the realization of the Policy Statement cannot and will not be achieved.

5.0) IMPLEMENTATION DIFFICULTIES

Although the housing Policy Statement is clear in its objective, the its realization will be difficult and in certain areas may not be possible. Many of the flaws of the Statement and its implementation may be resolved through the development of a more comprehensive housing policy framework at the provincial level. Some examples of the implementation difficulties are highlighted below.

- o The municipality is expected to identify housing dwelling types which are considered to be 'affordable' within the income ranges set out by the Province. A pro forma analysis, taking into account the local market conditions, would have to be undertaken to determine the feasibility of constructing those types of dwelling units. There are no guidelines available as to how the municipality will undertake this analysis.
- o Both the Province and the municipality will have to launch a public education program aimed at dispelling the fears that the construction of 'affordable' housing will decrease property values, increase vandalism etc.. It is critical that the NIMBY (not in my backyard) syndrome is eliminated if the provision of medium and high density affordable units is to be achieved.
- o To increase the supply of lots available for the construction of affordable housing, the Provincial Government should review its current policy on the sale of land at market value. The sale of provincial land at market value can set the selling price for lands held in the private ownership often creating artificially high land values. The Province could sell their land at below market value through the use of such methods as a design

competition. The winner of the competition would be able to purchase the land.

- o The province should reconsider its position on the land speculation tax. A speculation tax would help reduce the cost of both serviced and raw land by shutting the door on speculators; in turn, this could lead to a reduction in the cost of housing.
- o The Province should undertake a study on lot levies (especially in light of the proposal by the Provincial Treasurer suggesting additional lot levies for education and health care) to determine if there are alternative methods to finance municipal infrastructure.
- o It is beyond the capability of many municipalities to accelerate the extension of engineering services. A financial commitment from the Province is required if services are to be expanded. This commitment would have to be made available both to the City of Hamilton as well as developers since there is a cost sharing program in place in the region.

5.1) CONCLUSION

While the objective of the Statement to increase the supply of affordable housing for low and moderate income households is worthy of active support, the implementation of the Statement is fraught with difficulties. For example,

- o the Province will have to work together with the municipality to increase the acceptance of 'affordable' housing, by the general public, in all areas of the City;
- o there are a number of existing programs and policies that influence the housing market. In this regard, the Province should review all housing initiatives with a view:
 - introducing a land speculation tax;
 - re-examining the existing lot levy system;
 - selling provincial lands at a below market value; etc.
 - providing additional funding to municipalities and developers to off set the cost resulting from an accelerated expansion of services.
- o there are no guidelines available to assist the municipalities in identifying the types of units to be built which would comply with the affordable income ranges the Province has established.

6.0) RECOMMENDATIONS

- A) Hamilton City Council supports the objective of increasing the supply of affordable housing units.
- B) Hamilton City Council requests the Provincial Government to review its existing policies and programs respecting the provision of affordable housing to develop a comprehensive housing strategy instead of introducing more legislation which is only aimed at one aspect of the housing problem.
- C) In the absence of a comprehensive housing strategy, then the Hamilton City Council requests the Provincial Government to revise its draft Housing Policy Statement as follows basis:
 - i) to allow municipalities the flexibility to determine their own affordable housing targets instead of establishing a provincial target of 25%.
 - ii) to allow municipalities the flexibility to approve development applications on an informal basis instead of including rigid development application approval targets in the Official Plan;
 - iii) to ensure that the existing housing stock is considered in the Policy Statement given its importance in the provision of affordable housing.
 - iv) to ensure that legitimate planning and engineering concerns such as public participation, protection of the environment, subdivision engineering standards are not dismissed in an attempt to provide affordable housing.
 - v) to rename the Policy Statement to "Residential Land Use Policy Statement" which more accurately reflects its intended purpose.
- D) Hamilton City Council urge the Provincial Government to review all provincial housing policies, programs and initiatives respecting the provision of affordable housing with a view:
 - i) to reconsidering the issue of rent controls;
 - ii) to providing low income households with shelter allowances, tax credits etc.;

- iii) to reviewing Provincial legislation and practices regarding:
 - lot levies
 - sale of Provincial lands at below market value
 - land speculation tax
 - iv) to providing financial aid to both private industry and the region if expansion of services is to be considered; and,
 - v) to developing a public education program in conjunction with the municipality to dispel public fears associated with affordable housing.
 - vi) to decreasing the response time required for Provincial ministries to respond to development applications; and,
 - vii) to decreasing the time it takes to set Ontario Municipal Board hearing dates.
- E) The City Clerk forward the attached report and the recommendations thereto to the Ministries of Municipal Affairs and Housing, the Association of Municipalities of Ontario (Urban Section) for their consideration, and the Regional Municipality of Hamilton Wentworth for their information.

| | | | | | | |
|-----------------------------|-----------------|------------------|-----------------|-----------------|------------------|-----------------|
| ASSUMPTIONS: | | | | | | |
| IGDS= 30.0% of income | | | | | | |
| Taxes= 0.10% of House Value | | | | | | |
| Amortization= 25 years | | | | | | |
| Downpayment= 25.0% | | | | | | |
| Mortg Rate= 12.0% | | | | | | |
| Mortg Factor= 0.0103 | | | | | | |
| | | | | | | |
| Region | 30th Percentile | Affordable Price | Affordable Rent | 60th Percentile | Affordable Price | Affordable Rent |
| Toronto | \$26,500 | \$75,500 | \$660 | \$47,500 | \$135,500 | \$1,180 |
| Oshawa | \$31,300 | \$89,500 | \$780 | \$49,600 | \$141,500 | \$1,240 |
| Kitchener | \$24,400 | \$69,500 | \$610 | \$43,600 | \$124,500 | \$1,090 |
| Hamilton | \$26,800 | \$76,500 | \$670 | \$46,800 | \$133,500 | \$1,170 |
| St. Catharines: | \$22,600 | \$64,500 | \$560 | \$39,800 | \$113,500 | \$990 |
| London | \$22,400 | \$64,000 | \$560 | \$40,400 | \$115,500 | \$1,010 |
| Windsor | \$19,700 | \$56,000 | \$490 | \$43,100 | \$123,000 | \$1,070 |
| Ottawa | \$29,500 | \$84,000 | \$730 | \$52,800 | \$151,000 | \$1,320 |
| Sudbury | \$26,800 | \$76,500 | \$670 | \$44,100 | \$126,000 | \$1,100 |
| Thunder Bay | \$26,700 | \$76,000 | \$660 | \$48,400 | \$138,000 | \$1,210 |

- (1) Income values have been rounded down to the nearest 100.
- (2) Affordable prices have been rounded down to the nearest 500.
- (3) Affordable rents have been rounded down to the nearest 10.
- (4) Income data are 1988 estimates based on multiplying 1986 incomes by CPI for 1986-87 (0.08).

SOURCE: Statistics Canada, 1987 Survey of Consumer Finance, unpublished data.

APPENDIX 2

| <u>Application</u> | <u>Provincial Target</u> | <u>Hamilton Time Frame</u> |
|--------------------|----------------------------------|---|
| O.P.A. | Council Decision 4-9 months | Council Decision 2-4 months Full approval (no objections) 7 months Full approval (minor objections) 9-10 months O.M.B. approval 9-15 months |
| Zoning By-law | Full approval 4 months | Full approval (no objections) 4-6 months O.M.B. approval 9-15 months |
| Subdivision | Council comment 2 months | Council comment 4-5 months Draft approval 5-6 months |
| Condominium | Council comment 2 months | Council comment 3 months Draft approval 4 months |
| Severance | Committee Decision 1.5 months | Committee Decision 1 month |
| Minor Variance | Committee Decision 1.5 months | Full approval 2 months |

FOR ACTION

18.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

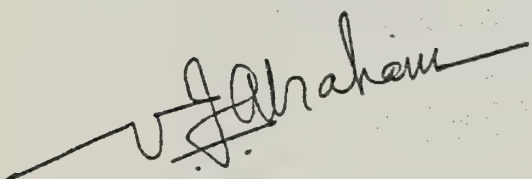
DATE: 1989 January 25
COMM FILE:
DEPT. FILE: P5-2-44

SUBJECT:

Proposed land exchange between the Hamilton-Wentworth Roman Catholic Separate School Board and the City of Hamilton; Falkirk East Neighbourhood.

RECOMMENDATION

That the owners and tenants of the area be invited to a public meeting of the Planning and Development Committee to discuss the proposed land exchange and consequent Neighbourhood Plan Amendment.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The Parks and Recreation Committee at their meeting on January 24, 1989 requested that the Planning and Development Committee amend the Falkirk East Neighbourhood Plan (see Appendix 1 on the proposed exchange of lands).

CONCLUSION

The proposed change of neighbourhood plan should be the subject of a public meeting. The Planning and Development Committee should review the results of the public meeting before making a decision.

dg
GG/DG:dkp

WP 0021P

F O R A C T I O N

FROM: Culture and Recreation Department
Planning and Development Department

DATE January 18, 1989

FILE NO. P5-2-44

TO: Parks and Recreation Committee

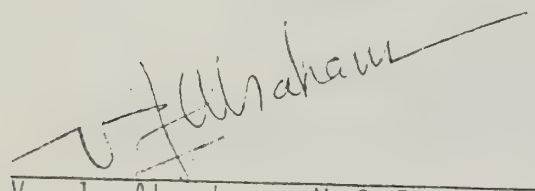
ATTENTION V.J. Abraham

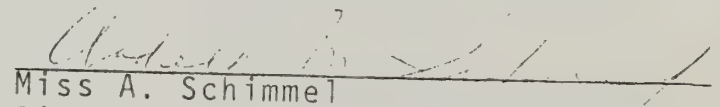
SUBJECT

Proposed land exchange between the Hamilton-Wentworth Roman Catholic Separate School Board and the City of Hamilton.
Falkirk East Neighbourhood.

RECOMMENDATION

That the Parks and Recreation Committee request the Planning and Development Committee to amend the Falkirk East Neighbourhood Plan, located in the area east of Upper Paradise Road, north of Rymal Road, and south of Stone Church Road West.


V. J. Abraham, M.C.I.P.
Director of Local Planning


Miss A. Schimmel
Director of Culture and Recreation

FINANCIAL IMPLICATIONS

None.

BACKGROUND

The Separate School Board have requested the initiation of a land exchange in accordance with Map 1.

The Separate School Board has assumed the lands designated for school purposes in the Falkirk East Neighbourhood as part of the redistribution of school lands between the School Boards.

- o The Board plan to build a Secondary School which is tentatively scheduled to open for the 1991-2 school year.
- o The Board are concerned about having access to a major road for their school particularly after the concern expressed by Gourley Neighbourhood residents when a separate Secondary School was proposed in the centre of that neighbourhood.
- o The Board have passed a resolution asking for an exchange of land with the City whose lands are designated for parks and recreational purposes.
- o The Parks Staff Committee including representatives from the Culture and Recreation Department, Real Estate Department, Public Works Department, Community Development Department, Planning and Development Department and Treasury, examined a number of alternatives to satisfy both the City and Board needs.

ANALYSIS

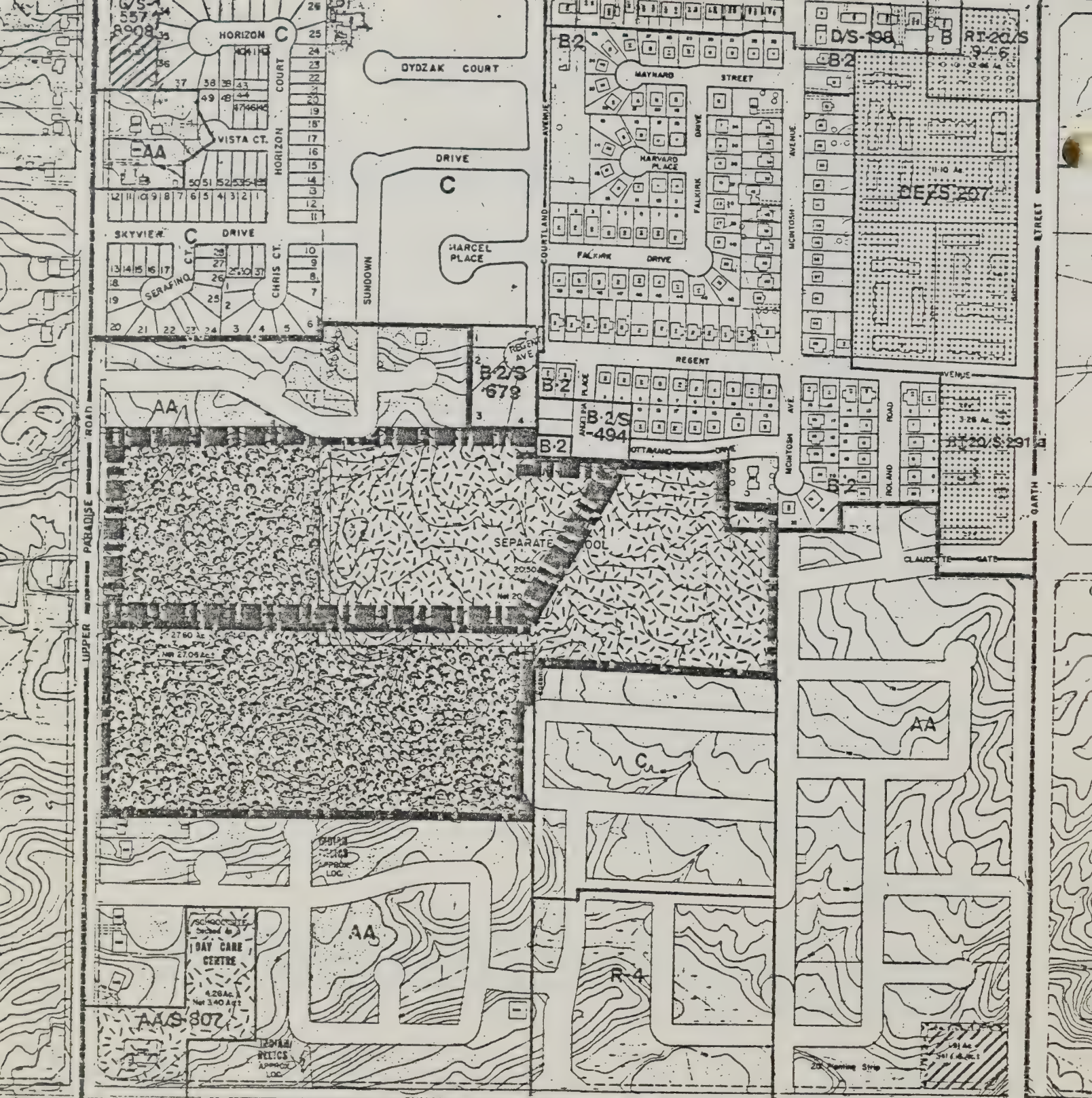
The favoured alternative allows the city to retain a large area for community park (18.0 acres) suitable for a recreational facility serving a wider area than the neighbourhood as well as providing an identifiable but connected neighbourhood park (9.06 acres).

- o Circulation of the proposal to departments produced no objection from the Traffic Department or Regional Engineering Department.
- o The sites are designated in the Neighbourhood Plan and Official Plan for parks and recreational and school purposes. Both documents need changing to reflect the proposal.
- o The lands are zoned "AA" Open Space which permits both park and recreational uses and schools.

CONCLUSION

The matter should be referred to the Planning and Development Committee to deal with the planning issues (the Neighbourhood Plan and Official Plan changes) prior to sending a recommendation forward to City Council on the exchange of lands.

G.G./D.G.:nd
W.P. DOC. 0055P



PROPOSED NEIGHBOURHOOD CHANGE

PROPOSED SECONDARY SEPARATE SCHOOL SITE 19.80 Ac.±

PROPOSED PARK SITE 27.60 Ac.±

LAND USE

RESIDENTIAL

- single & double attached housing
- low density apts.
- medium density apts.
- high density apts.
- commercial & apts.
- COMMERCIAL**
- INDUSTRIAL**
- CIVIC & INSTITUTIONAL**
- PARK & RECREATIONAL**
- OPEN SPACE**
- UTILITIES**
- MULTIPURPOSE**

- Neighbourhood Boundary
- Zoning Boundary
- Drainage Line

Area North of Drainage Line
Approval
Planning Bd. & Council

Area South of Drainage Line
Approval
Planning Comm. & Council MAR. 12/88

**CITY OF HAMILTON
PLANNING DEPARTMENT**

**FALKIRK EAST
APPROVED PLAN**

1:10,000
SCALE

FOR ACTION

19.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 January 20
COMM FILE:
DEPT. FILE: ZA-88-73
Kirkendall
South
Neighbourhood

ADDENDUM

SUBJECT:

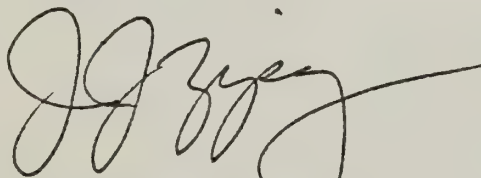
Request for a change in zoning - No. 17 Fairmount Avenue.

BACKGROUND

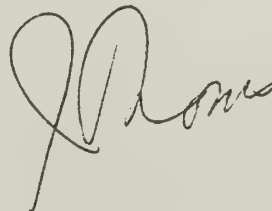
At its meeting of December 14, 1988 the Planning and Development Committee TABLED the subject application as it was the applicants contention that he did not have adequate time to prepare for the meeting.

During the interim, the Ward Alderman convened a meeting on Thursday, January 19, 1989 for all parties concerned to review the application. However, the applicant did not attend and no resolution was reached.

Attached is the original staff report and recommendation.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 December 6
COMM FILE:
DEPT. FILE: ZA-88-73
Kirkendall
South
Neighbourhood

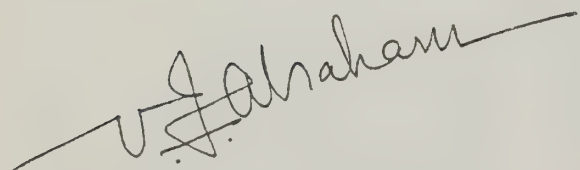
SUBJECT:

Request for a change in zoning - No. 17 Fairmount Avenue.

RECOMMENDATION

That Zoning Application 88-73, Partick and Lynda Vuurman, owners, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to permit the conversion of the existing two family dwelling into a three family dwelling, for lands located at No. 17 Fairmount Avenue, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) The proposal represents an intrusion of a 3 family dwelling into an area which is predominantly occupied by single-family dwellings;
- ii) Approval of the application would set an undesirable precedent for future similar applications in the surrounding area.
- iii) The parking layout is not acceptable, in that the required parking spaces would be stacked, whereas they should be free and unobstructed.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

● Proposed Development

The applicant has requested a change in zoning from the "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to permit/legalize the conversion of the existing two family dwelling into a three family dwelling.

● Order to Comply

The applicant was issued an Order to Comply from the Building Department on May 5, 1988 for undertaking the construction of an addition to the subject building without the required permit.

APPLICANT

Patrick and Lynda Vuurman, owners.

LOT SIZE AND AREA

The subject property has approximately:

- 14.3 m (47 feet) of frontage on Fairmount Avenue;
- 32.2 m (105.5 feet) of lot depth; and
- 460.6 m² (4,958.5 sq.ft.) of lot area.

LAND USE AND ZONING

| | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|--------------------------|---|--|
| <u>SUBJECT LANDS</u> | two family dwelling | "C" (Urban Protected Residential, etc.) District. |
| <u>SURROUNDING LANDS</u> | | |
| to the north | One, two and three family dwellings | "D" (Urban Protected Residential - One and Two Family Dwellings Townhouses, etc.) District. |
| to the south | Bowling green and single-family dwellings | "A" (Conservation, Open Space, Park and Recreation) District and "C" (Urban Protected Residential, etc.) District. |

SURROUNDING LANDS

| | | |
|-------------|--------------------------------------|--|
| to the east | Vacant, one and two family dwellings | "D" (Urban Protected Residential - One and Two Family Dwellings Townhouses, etc.) District and "C" (Urban Protected Residential, etc.) District. |
| to the west | One and two family dwellings | "C" (Urban Protected Residential, etc.) District. |

OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. The proposal does not conflict with the intent of the Plan.

NEIGHBOURHOOD PLAN

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" in the Approved Kirkendall South Neighbourhood Plan. The proposal does not conflict with the intent of the Plan.

RESULTS OF CIRCULARIZATION

- The following agencies have no comment or objection:
 - LACAC;
 - Hamilton Region Conservation Authority.
- The Traffic Department has advised as follows:

"...While we find the proposed change in zoning satisfactory, we do have some concern with the proposed parking area. Four parking spaces are required and they must be 2.7 m x 6.0 m each. The submitted drawing shows the parking area to be only 5.03 m wide."
- The Building Department has advised as follows:
 - "1. The surveyor's certificate (10 years old) and the applicant's plot plan contradict each other (e.g. rear yard 42'6" vs 27'0", south side yard 6'0" vs 16'6").
 2. The parking layout is not acceptable.
 3. The applicant states that all three apartments have over 700 square feet of floor area. Unless this is a very large house, it is unlikely that the third floor half-storey will contain 700 square feet.

4. Proper plans will have to be submitted to our Department for the conversion, if the Planning and Development Committee approves this application..."

In addition, the Building Department attached correspondence respecting an Order to Comply.

- The Hamilton-Wentworth Department of Engineering has advised as follows:

"...public watermains, as well as combined storm and sanitary sewers, are available to service the subject lands.

We do not anticipate any further road allowance widenings at this time.

We recommend that the applicant enter into an Encroachment Agreement with the City for the steps at No. 17 Fairmount Avenue, which encroach onto the road allowance.

Comments from the City Traffic Department should be considered, as the applicant intends to park vehicles within the Fairmount Avenue road allowance.

As a condition of approval, we recommend that the applicant enter into appropriate agreements with the City and the abutting owner for the proposed parking area."

COMMENTS

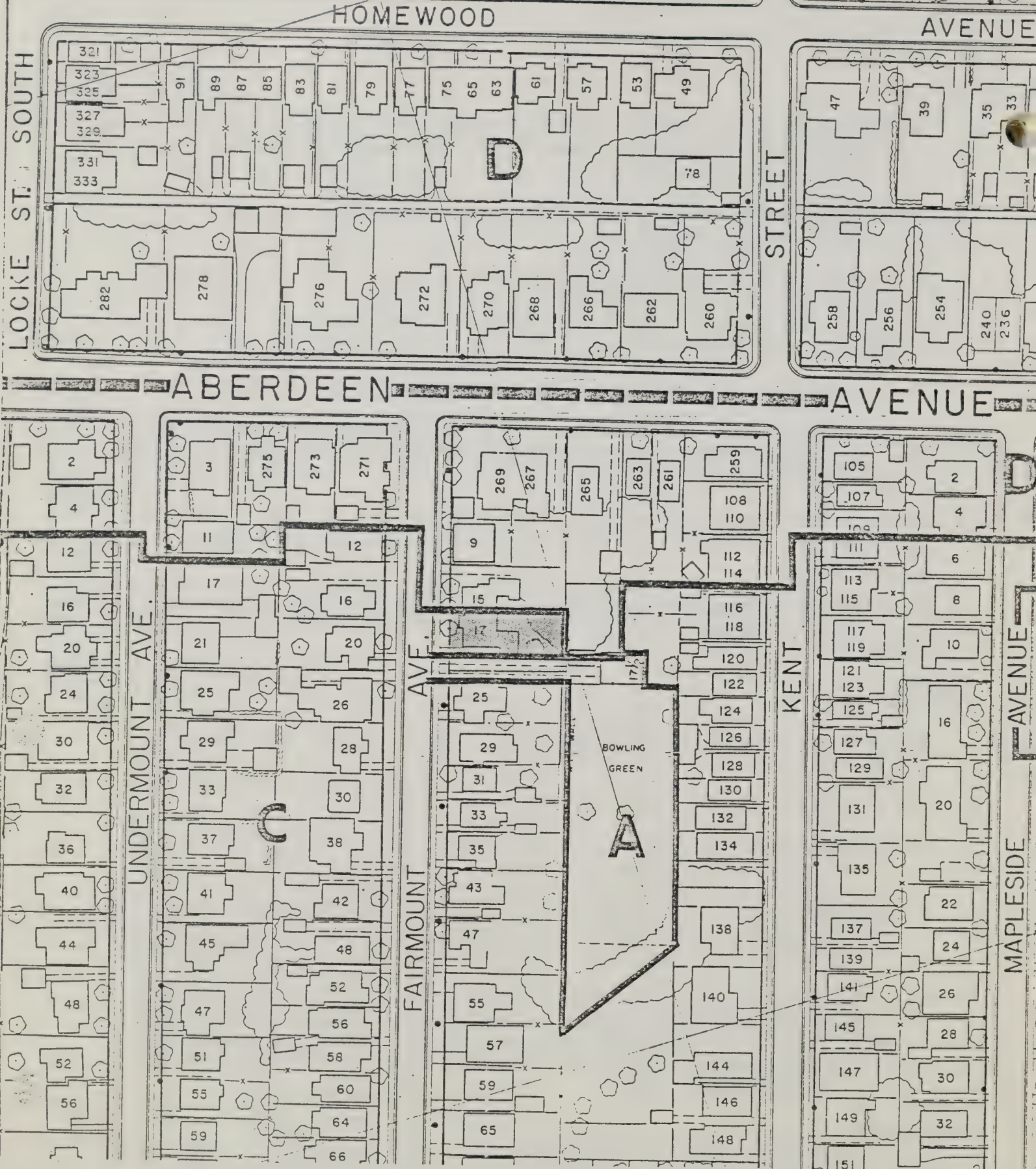
1. The proposal does not conflict with the intent of the Official Plan and the Approved Kirkendall South Neighbourhood Plan.
2. The proposal cannot be supported for the following reasons:
 - it represents an intrusion of a 3 family dwelling into an area which is predominantly occupied by single-family dwellings;
 - approval of the application would set an undesirable precedent for future similar applications in the surrounding area, and would condone the actions of the applicant in illegally converting the dwelling.
3. With respect to parking, the proposal does not comply with the By-law, in that the required parking spaces (4) are to be stacked (2 x 2) instead of unobstructed. Furthermore, as indicated by the Traffic Department the parking spaces are required to be 2.7 m (8.8 ft.) wide, whereas they would only be 2.5 m (8.3 ft.) wide.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

PDM/ma

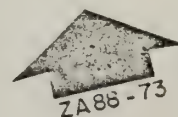
WP0365P



Legend



Site of the Application



APPENDIX A

JAN 24 1989

57, Fairmount Avenue
HAMILTON, Ontario L8P 3Z4

January 20, 1989

ATT. OF: Mrs. Susan K. Reeder
Secretary
Planning and Development Committee

19a.

Dear Madam:

Re: Zoning Application 88-73 for property at
17, Fairmount Avenue

Please ensure that the application for a zoning change
at 17, Fairmount Avenue is denied.

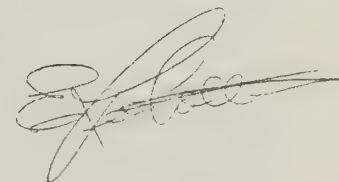
As a resident of Fairmount Avenue, I suggest to you that
population overcrowding (people and parking facilities) is a very
dangerous practice - and very ugly.

All future applications for this type of building expansion,
which would lead to overcrowding on a residential street, should
be denied.

Please circulate copies of this letter to members of the
Committee and to the Aldermen.

Yours sincerely,

Mr. E.J. Rowbottom



Planning and Development Committee
City Council
71 Main Street West
HAMILTON, Ontario L8N 3T4

19b.

48 Undermount Avenue
Hamilton, Ontario
L8P 3Z6

January 18, 1989

The Corporation of the
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: Ms. Susan K. Reeder
Secretary of the Planning
and Development Committee

Dear Ms. Reeder:

Re: Zoning Application 88-73 for
property at 17 Fairmount Avenue

I strongly oppose the above-noted zoning application for the following reasons:

- (a) It would result in a property use which is incompatible with the single family dwellings to the south of it on Fairmount Avenue, Undermount Avenue, Kent Street, Mapleside and Glenfern Avenue;
- (b) Approval of this application would be justification for people purchasing properties in the future on Fairmount Avenue and the surrounding streets to make similar applications for rezoning and to presume that these applications would be granted;
- (c) The steps at 17 Fairmount Avenue would encroach onto the road allowance;

. . . 2

Copy to Ald. M. Kiss.
1989 Jan. 18.

- (d) There is insufficient parking to accommodate a more intensive use of this property. Parking is already a difficulty on Fairmount Avenue and the surrounding streets;
- (e) Since the subject lands are designated single and double residential in the approved Kirkendale South Neighbourhood Plan, the use of this property for three rather than two residences would conflict with the Plan.

I am unable to attend the meeting at City Hall on Thursday, January 19, but wish to be given notice of all future hearings or meetings regarding this rezoning.

Yours very truly,



ROBERT B. MUNROE

RBM:pp

F O R A C T I O N

20.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 November 21
COMM FILE:
DEPT. FILE: CI-88-G
 Stipeley
 Neighbourhood

SUBJECT:

City Initiative to rezone lands at the rear of Nos. 25 to 31 Clinton Street from "K" (Heavy Industrial) District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District.

RECOMMENDATION

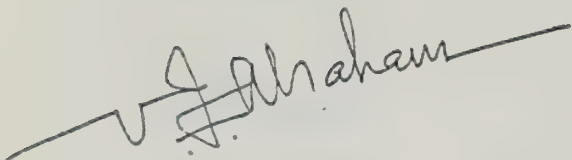
That approval be given to City Initiative 88-G, City of Hamilton, owner, for a change in zoning from "K" (Heavy Industrial) District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District, for property located at the rear of Nos. 25 to 31 Clinton Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "K" (Heavy Industrial) District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District.
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-32 for presentation to City Council;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- iv) The the Stipeley Neighbourhood Plan be amended by redesignating the subject lands from "Park and Recreational" to a "Single and Double" residential land use designation.

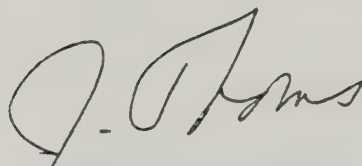
EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "K" (Heavy Industrial) District to "D" (Urban Protected Residential - One and Two Family Dwellings, townhouses etc.) District, of property located at the rear of Nos. 25 to 31 Clinton Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to establish uniform "D" zoning of the properties at No. 25 to 31 Clinton Street.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The Department of Community Development has requested that as a City Initiative the Planning and Development Department undertake a rezoning of the rear part of lands located at 25 to 31 Clinton Street to establish uniform zoning of the lands to facilitate their sale to the adjoining land owners.

LOT SIZE AND AREA

- 24.38 m (80.0 ft.) of lot width adjoining a public alley;
- 7.01 m (23.0 ft.) of lot depth; and
- 170.04 m² (1,840.0 sq.ft.) of lot area.

LAND USE AND ZONING

| | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|--------------------------|--|--|
| <u>SUBJECT LANDS</u> | Vacant | "K" (Heavy Industrial) District. |
| <u>SURROUNDING LANDS</u> | | |
| to the north | Industrial development | "K" (Heavy Industrial) District. |
| to the south | Single-family dwellings | "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District. |
| to the east | storage building vacant lands | "K" (Heavy Industrial) District. |
| to the west | Single-family and two-family dwellings | "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District. |

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Park and Recreational" purposes on the approved Stipeley Neighbourhood Plan, the proposal does not comply.

COMMENTS RECEIVED

- The Building Department, Traffic Department Hamilton Region Conservation Authority have no comments or objections to the proposal.
- The Hamilton-Wentworth Engineering Department has advised that:
"both public watermains and combined storm/sanitary sewers are available to service the subject lands."

COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal does not comply with the Stipeley Neighbourhood Plan. In this regard, an amendment is required to redesignate the subject lands from "Park and Recreational" use to a "Single and Double Residential" use.
3. The proposal has merit and can be supported for the following reasons:
 - it is a remnant parcel of industrially zoned land which because of its isolated location and size (7.0 m (23.0 ft.) x 24 m (80.9 ft.)) cannot be utilized for its intended industrial purposes;
 - its isolated location would create a potential security and vandalism problem if it is utilized as part of the proposed park;
 - it establishes uniform depth and zoning for the residential properties located along the north side of Clinton Street.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GW/ma

WP0365P

DOMINION
PATTERN WORKS
Wood and Metal Patterns

20a.

170 Princess Street
Hamilton, Ontario L8L 3L3

Telephone (416) 544-2505

Jan 14/59

Planning & Development Comm
City Hall
Hamilton Ont

C-1-88-G.

Dear Sir;

We appose the change of zoning because it will close off the alley between 216 & 218 Sherman Avenue, which is the only alternative route to the east end of Princess St.

Should the city re-open Princess as a through street or extend Ruth St through to Princess, we would have no objection to the zoning change.

Yours Sincerely
Daniel Peace

PROPOSED CHANGE IN ZONING FROM K TO D

PROPERTY DESCRIPTION - REAR OF NOS 25 TO 31 CLINTON STREET

I AM IN FAVOUR OF ()

OPPOSED TO (✓) (PLEASE CHECK (V) WHICH)

THIS PROPOSED ZONE CHANGE

.....

406306 ONTARIO L OR OCCUPANT
DOMINION PATTERN WORKS
178 PRINCESS ST
HAMILTON ONT

L8L 3L3

.....

FILE-C188-G SEQ-00192

David Seco
..... SIGNED

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT 526-4445

FOR ACTION

21.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 January 19
COMM FILE:
DEPT. FILE: ZA-88-100
Corktown
Neighbourhood

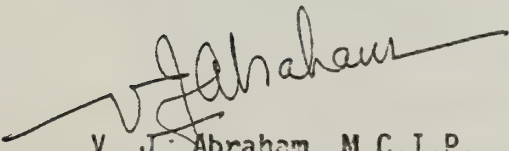
SUBJECT:

Request for a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "E-1" (Multiple Dwellings) District to permit conversion of the dwelling located at No. 242 Jackson Street East to a hairdressing salon for 5 hairdressers.

RECOMMENDATION

That Zoning Application 88-100, Gail Ruth Redbourne, owner, requesting a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "E-1" (Multiple Dwellings) District, for property located at No. 242 Jackson Street East, be denied for the following reasons:

- it represents an intrusion of a purely commercial use into an area primarily occupied by residential uses, and as such, would set an undesirable precedent for future similar applications;
- it is likely to generate a need for employee and customer parking which cannot be accommodated on the site, resulting in spill-over affects onto Jackson Street East;
- it would result in the loss of rental housing accommodation in the Central Area of the City;
- the approved Corktown Neighbourhood Plan designates the future use of lands within the block for "Medium Density Apartment" development as opposed to "Commercial" use proposed by the applicant.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

It is the applicants intention to rezone the subject lands from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "E-1" (Multiple Dwellings) District to permit conversion of the existing dwelling to a hairdressing salon. The applicant is currently employed as a hairdresser, owns and rents out the subject property, but wishes to set up hairdressing business in her own building with a total of five employees.

APPLICANT

Gail Ruth Redbourne, owner.

LOT SIZE AND AREA

- 10.05 m (33.0 ft.) of lot frontage on Jackson Street East;
- 21.33 m (70.0 ft.) of lot depth; and,
- 214.6 m² (2,310 sq.ft.) of lot area.

LAND USE AND ZONING

| | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|----------------------|--------------------------|---|
| <u>SUBJECT LANDS</u> | Single-family dwelling | "E" (Multiple dwellings, Lodges, Clubs, etc. District |

SURROUNDING LANDS

| | | |
|--------------|--|---|
| to the north | Parking lot and an apartment | "G-3" (Public Parking Lots) District |
| to the south | Two-family, three family and multiple family dwellings | "E" (Multiple Dwellings Lodges, Clubs, etc.) District |
| to the east | Single-family | |
| to the west | A parking lot | "G-3" (Public Parking Lots) District |

OFFICIAL PLAN

Designated "Central Policy Area" on Schedule "A" of the Official Plan, the proposal complies, provided that it achieves compatibility with surrounding uses.

NEIGHBOURHOOD PLAN

Designated for "Medium Density Apartment" development, the proposal does not comply.

COMMENTS RECEIVED

- The Building Department, Traffic Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee Staff have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised that:
"...public watermains and combined storm and sanitary sewers are available to service the subject lands.

Should this be considered a redevelopment of the subject lands, we recommend as a condition of approval that a strip of land 1.524 m (50 ft.) in width be dedicated to the City, in order to establish Jackson Street at a minimum width of 15.24 m (50ft.).

Any works within the Jackson Street road allowance must conform to the City's Streets By-law.

Comments should be received from the City Traffic Department with respect to access, etc.

COMMENTS

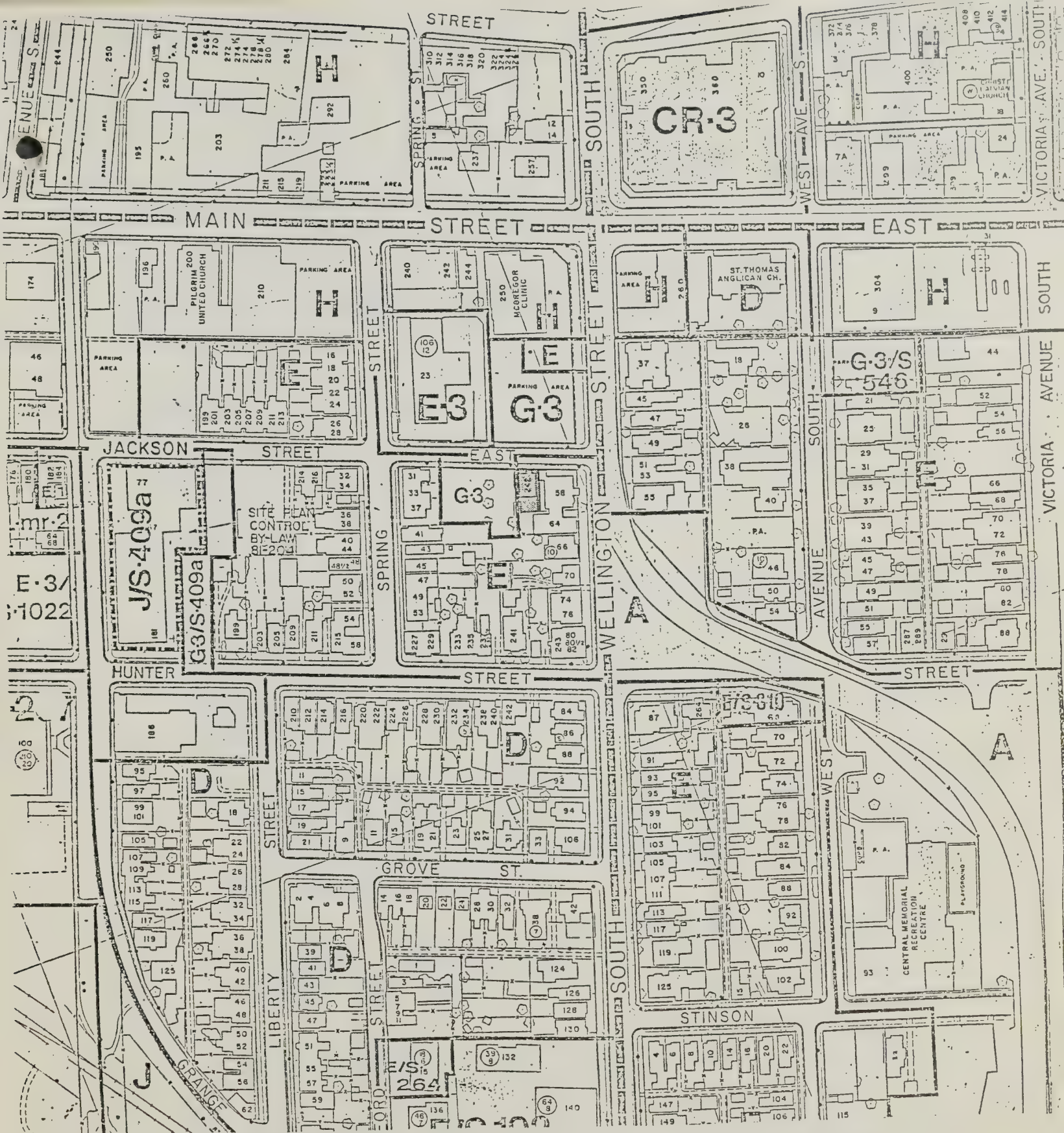
1. The proposal conflicts with the intent of the Official Plan on the basis that it is not compatible with surrounding established residential development. The proposal involves the conversion of a residential use to a purely commercial use which could seriously impact on existing and proposed residential development in this area.
2. The proposal would require an amendment to the approved Corktown Neighbourhood Plan to redesignate the subject lands from "Medium Density Apartments" to a "Commercial" land use.
3. The proposal cannot be supported for the following reasons:
 - it represents an intrusion of a purely commercial use into an area primarily occupied by residential uses, and as such, would set an undesirable precedent for future similar applications;

- notwithstanding that off-street parking may not be required for the proposed hairdressing business, it is likely to generate a need for employee and customer parking which cannot be accommodated on the site, resulting in spill-over effects onto Jackson Street;
- it would result in the loss of rental housing accommodation in the Central Area of the City;
- on the basis of the approved Corktown Neighbourhood Plan designation, the future intended use of lands within this block is for "Medium Density Apartment" development as opposed to "Commercial" use proposed by the applicant;

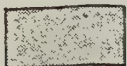
CONCLUSION

On the basis of the foregoing, the application cannot be supported.

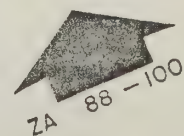
GW/ma
WP0136P



Legend



Site of the Application



FOR ACTION

22.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 January 24
COMM FILE:
DEPT. FILE: ZA-88-26
Ainsle Wood West
Neighbourhood

SUBJECT:

An amended application requesting changes in zoning - Nos. 1780, 1790, 1796 and 1808 Main Street West.

RECOMMENDATION

That approval be given to amended Zoning Application 88-26, J.C. Leech - Porter, owner, requesting changes in zoning from the "C" (Urban Protected Residential, etc.) District to the "A" (Conservation, Open Space, Park and Recreation) District and "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified, to permit the development of a six storey, 143 unit retirement home, on lands located at Nos. 1780, 1790, 1796 and 1808 Main Street West, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", on the following basis:

- i) That the amended By-law apply the holding provisions of Section 35(1) of the Planning Act R.S.O. 1983 to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until Plans have been approved under Section 40 of the Planning Act respecting Site Plan Control.

Removal of the holding provision shall be conditional upon the approval of Site Plans, including suitable grades between the rear of the building and the new proposed top-of-bank, and passage of an amending By-law once Site Plans have been approved.

- ii) That the lands shown as Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to the "A" (Conservation, Open Space, Park and Recreation) District;
- iii) That the lands shown as Block "2" be rezoned from the "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;
- iv) That the "A" (Conservation, Open Space, Park and Recreation) District regulations as contained in Section 7 of Zoning By-law No. 6593 applicable to the lands shown as Block "1", be modified to include the following variances as special requirements:

- a) That notwithstanding Section 7.(1)(ii) a golf course, playground, play lot and playfield shall be prohibited;
- b) That Sections 7.(1)(iii), (iv) and (v), and 7.(1a) shall not apply.
- v) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, applicable to the lands shown as Block "2", be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 11.(1) a senior citizens multiple dwelling containing not more than 143 dwelling units shall also be permitted;
 - b) That notwithstanding Section 11.(1)(xi) a restaurant/dining room shall also be permitted only in conjunction with a senior citizens multiple dwelling, provided that all of the conditions under subclauses (a), (b) and (c) thereof are complied with;
 - c) That notwithstanding Section 11.(3)(i)(b) a minimum front yard of 4.0 m shall be required;
 - d) That notwithstanding Sections 11.(3)(ii)(b) and 11.(3)(iii)(b) no building or structure, except a fence, shall be erected less than 7.62 m from the boundary of Block "1" abutting Block "2", and no parking or loading area shall be located less than 1.5 m from the boundary of Block "1" abutting Block "2";
 - e) That notwithstanding Section 11.(5) a maximum floor area ratio factor of 1.85 shall be permitted, only for a senior citizens multiple dwelling;
 - f) That notwithstanding Table 1 of Section 18A a minimum of 76 parking spaces shall be required for a senior citizens multiple dwelling containing not more than 143 dwelling units;
 - g) That Section 18.(4)(iv) of By-law No. 6593 shall not apply;
 - h) That for the purposes of this By-law, a senior citizens multiple dwelling means a multiple dwelling within which all residents are at least 60 years of age or older;
- vi) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps W-50 and W-51 be notated S- ;
- vii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-50 and W-51 for presentation to City Council;
- viii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area;

- ix) That the approved Ainslie Wood West Neighbourhood Plan be amended by redesignating the lands shown as Block "2" to "MEDIUM DENSITY APARTMENTS".

EXPLANATORY NOTE

The purpose of the By-law is to provide for changes in zoning for lands located at Nos. 1780, 1790, 1796 and 1808 Main Street West, as shown on the attached key map, on the following basis:

- Block 1 - Change in zoning from "C" (Urban Protected Residential, etc.) District to "A" (Conservation, Open Space, Park and Recreation) District.
- Block 2 - Change in zoning from "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District.

The amending By-law applies the holding provisions (as denoted by the 'H' suffix) of Section 35 (1) of the Planning Act to the subject lands. These provisions will prohibit the development of the lands until Plans are approved under Site Plan Control. Once Site Plans are approved, City Council may remove the 'H' Symbol by passing an amending By-law.

The effect of the By-law is to permit the development of a 6 storey, 143 unit senior citizens multiple-dwelling (retirement home) with support services (e.g. dining room, library, lounge, etc.). In addition, the By-law provides for the following modifications as special provisions:

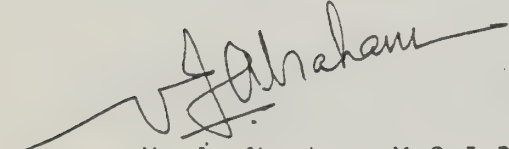
1. Block "1"

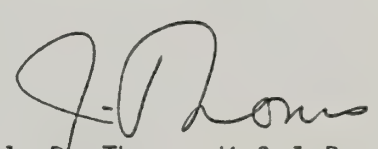
- To prohibit a golf course, playground, playfield, playlot, cemetery, mausoleum or columbarium, and a crematorium as permitted uses.

2. Block "2"

- To permit a senior citizens multiple dwelling (retirement home) containing not more than 143 dwelling units, provided that all residents are at least 60 years of age or older;
- To permit a restaurant/dining room in conjunction with a senior citizens multiple dwelling;
- To permit a minimum front yard depth of 4.0 m, whereas 7.5 m is required;
- To permit a minimum rear yard depth of 7.62 m, whereas 13.5 m is required;
- To permit a minimum side yard width of 7.62 m, whereas 11.0 m is required;
- To permit an accessory building (gazebo) in the side yard;

- To require a minimum of 76 parking spaces for the seniors citizens multiple dwelling (retirement home), whereas 179 are required.
- To prohibit the location of any parking or loading area closer than 1.5 m to the boundary of the "A" (Conservation, Open Space, Park and Recreation) District shown as Block "1".
- To prohibit the location of any building or structure, except a fence, closer than 7.62 m to the boundary of the "A" (Conservation, Open Space, Park and Recreation) District shown as Block "1".


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposed Development

The applicant has requested changes in zoning as shown on the attached APPENDIX "A", on the following basis:

- Block 1 - Change in zoning from "C" (Urban Protected Residential, etc.) District to "A" (Conservation Open Space, Park and Recreation) District.
- Block 2 - Change in zoning from "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District.

The purpose of the proposed change in zoning is to permit development of the subject properties for a privately operated retirement home, having a maximum height of 6 storeys and containing 143 units. Parking for 76 cars will be provided on site, mostly underground (see APPENDIX "B").

APPLICANT

J.C. Leech-Porter, owner.

LOT SIZE AND AREA

The subject property is irregularly shaped having approximately:

- 207.73 m (681.5 feet) of frontage on Main Street West; and,
- 2.3 ha (5.7 ac) of lot area.

LAND USE AND ZONING

| <u>SUBJECT LANDS</u> | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|--------------------------|-----------------------------------|--|
| | Single-family dwellings | "C" (Urban Protected Residential, etc.) District |
| <u>SURROUNDING LANDS</u> | | |
| to the north | Vacant and City limits | "A" (Conservation, Open Space, Park and Recreation) District |
| to the south | Multiple dwellings and commercial | "E" (Multiple Dwellings, Lodges, Clubs, etc.) District and "G-1" (Designed Shopping Centre) District |
| to the east | Street-townhouses and vacant | "RT-30" (Street-townhouses District and "A" (Conservation, Open Space, Park and Recreation) District |
| to the west | Vacant and multiple dwelling | "C" (Urban Protected Residential, etc.) District and "E" (Multiple Dwellings Lodges, Clubs, etc.) District |

OFFICIAL PLAN AND NEIGHBOURHOOD PLAN

The southern portion of the subject lands (Block "2") fronting onto Main Street West are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. The northern portion (Block "1") is designated "OPEN SPACE". In addition, the northern portion is within "SPECIAL POLICY AREA 1a" on Schedule B (Niagara Escarpment), and within the "HAZARD LANDS" area.

The southern portion of the lands (Block "2") are designated for "ATTACHED HOUSING" and the northern portion (Block "1") "OPEN SPACE" in the approved Ainslie Wood West Neighbourhood Plan.

Consequently, since the development will only occur on the southern portion of the subject lands (Block "2"), the proposal would not conflict with the intent of the plan, provided the Neighbourhood Plan is amended to redesignate the affected lands for "Medium Density Apartments".

RESULTS OF CIRCULARIZATION

- The following agencies have no comment or objection:
 - LACAC;
 - Trans Canada Pipelines.
- The Hamilton Region Conservation Authority has advised as follows:

"...Authority staff has no objection to the proposed rezoning, subject to the following conditions.

 - i) That all lands below the new crest be zoned "A" (conservation, open space, etc.) The new crest should be established by survey with bearing and distance measurements and included on the zoning schedule.
 - ii) That lands between Main Street West and the new crest be rezoned as proposed.
 - iii) That the By-law incorporate a building setback from the new crest. The setback shall be established by a qualified soils engineer but in no case shall it be less than 7.62 m.
 - iv) That copy of the applicant's site, grading, drainage and landscape plans be circulated to the Conservation Authority for review and comment."

In addition, the Conservation Authority has advised of the following:

"... the proposed elevations shown on the above noted preliminary Site Plan (drawings 1 & 2 B-PK Architects project No. 3059-88 dated November 29, 1988). Between the rear of the building and the proposed new top-of-bank the grades range from 1V:3H (33%) to 1V:12H (8.3%). The steepest grading (i.e. 33%) are proposed to the north end of the building and to the rear of the solarium."

- The Niagara Escarpment Commission has advised as follows:

"...staff has been advised by the Hamilton Region Conservation Authority that the proposed alteration of grades beyond the existing top-of-bank is necessary to increase stability of the presently unstable fill slope, in order that any development on this site can occur without any long term adverse impact on the property. Based on this information, staff does not object to the proposed site and grading plans submitted.

The portion of these lands to be zoned "A" is designated "Escarpment Natural Area" in the Niagara Escarpment Plan, while the portion to be zoned "E" is not included within the Plan. While the proposed rezoning would bring the property into closer conformity to the Niagara Escarpment Plan than the present "C" zoning, staff notes that further modifications to the "A" zone would be required to achieve total conformity with the Plan. The "Escarpment Natural Area" may permit "non-intensive recreation uses such as nature viewing and trail activities except the use of trail

bikes and all terraine vehicles". The recreational uses permitted in the "A" zone are wider ranging (such as permitting golf courses and bowling) greens), and should, therefore, be modified to the same level of restriction as the "Escarpment Natural".

An alternative to modifying the "A" zone for this site would be to remove the zoning altogether for the lands included in the Niagara Escarpment Plan and establish Niagara Escarpment Development Control regulations as the replacing land use control. In this way, any proposed development of these lands would, by the Development Control process, be reievewed against all pertinent policies of the Niagara Escarpment Plan by the Niagara Escarpment Commission".

- The Traffic Department has advised as follows:

"...the application to permit a multiple dwelling residential development is satisfactory.

It is our understanding that the proposed development is a retirement home and as such we have reviewed the preliminary plan submitted with the application and have the following comments:

1. The site plan must designate the required loading spaces.
2. The minimum aisle width for the angle parking shown is 4.5 metres. (15 feet)
3. If loading is to take place in the area of the convenience store, the minimum vertical clearance of the underground must be 4.3 metres.
4. We recommend that the service area adjacent to the kitchen be modified to provide adequate manoeuvring for trucks".

In addition, they also advised of the following with respect to the requested reduction in parking:

"We have reviewed the information submitted by the applicant and are prepared to support the reduction in parking to 76 spaces.

Our initial review of the preliminary plans included a number of recommendations regarding site design which to our knowledge have not been addressed.

Approval of the zoning application should not be considered as approval of the site plan at this time."

- The Hamilton-Wentworth Department of Engineering has advised as follows:

"Please be advised that public watermainas as well as sanitary and storm sewers are available to service the subject lands. Storm drainage from the development must be conveyed to the adjoining Coldwater Creek.

We do not anticipate any further road allowance widenings at this time.

Any work within the Main Street West road allowance must conform to the Region's Road Use By-law. Further details will be finalized at the Site Plan Control stage.

Details of the access will be finalized by the City's Traffic Department. We recommend, if possible, that the northerly access be shifted + 6 m southerly to align the centre line of the access with the centre line of Sheridan Lane. This will prevent a left turn overlap and sight distances for motorists entering Main Street will be increased to + 120 m. There is a vertical sag curve north of the subject lands at the Main Street and T.H. & B. Railway grade separation.

We also recommend that the driveway grade of the access not exceed 3%. Further detailed comments will be submitted at such time as detailed site plans are circulated for review".

● The Building Department has advised as follows:

- "1. The first drawings showed a gazebo in the side yard, which will require a variance.
2. The required front yard is 7.5 m. Shown is 4.0 m.
3. The surface parking length shall be 6.0 m. Shown is 5.5 m.
4. All driveways and ramps, if two-way, shall be a minimum 5.5 m wide, including the driveway behind the cars.
5. The minimum required side yard is 11.0 m. Shown is 7.62 m. The required rear yard minimum is 13.5 m. Shown is 7.62 m.
6. Parking required is 179 cars. Shown is 76 cars.
7. Two loading spaces are required (one large and one small), however, none are shown on the plans.
8. The building exceeds the permitted gross floor area.
9. The dining room will be used by outside visitors at times and therefore, some provision should be made for this in the By-law, as restaurant is not permitted in this zone".

COMMENTS

1. The proposal would not conflict with the intent of the Official Plan, provided that the approved Ainslie Wood West Neighbourhood Plan is amended to redesignate the southerly portion of the subject lands (Block "2") from "ATTACHED HOUSING" to "MEDIUM DENSITY APARTMENTS".

2. The proposal has merit and can be supported for the following reasons:
 - it would be compatible with existing development in the surrounding area;
 - it is suitably located on a major road thereby providing access to public transit, and is near established commercial services and community facilities;
 - it provides an alternative form of housing for the elderly.
3. The Building Department has advised that on the basis of the preliminary site plan (revised January 17, 1989), approval of the application as submitted would require the following variances:

- Permitted Uses

For purposes of By-law interpretation the proposal is classified as a multiple dwelling because each unit will contain an "efficiency kitchen". In this regard, the proposed support services (e.g. beauty shop, convenience store, library, men's club, etc.) except for the dining facility, would be permitted under the requested "E" District zoning, either as-of-right or as an accessory use.

Since dining services are normally incidental to retirement complexes the modification is deemed minor and can be supported.

- Front Yard

In accordance with Section 11.(3)(i)(b) a minimum front yard depth of 7.5 m is required, whereas 4.0 m is proposed. It is noted that the face of the building is irregular, thereby providing for a range in front yard depth of between 4.0 m-6.0 m, or an average depth of approximately 5.0 m_±.

Considering the site constraints and the irregular configuration of the front wall, the variance is considered minor and can be supported.

- Side Yard

As set out under Section 11.(3)(ii)(b) a minimum side yard width of 11.0 m is required, whereas 7.62 m is proposed. It should be noted that the building has been sited and designed so as to maintain a minimum setback of 7.62 m from the "top-of-bank" which is the limit of the proposed "E" District zoning.

Technically, the proposal does not meet the By-law requirement for side yard setback, as it is measured to the zoning district boundary. However, the building is setback more than the By-law requirement from the actual property limits.

On the basis of the foregoing, and taking into consideration the distance between the proposed development and the buildings established on adjoining properties, the variance is considered minor in nature and can be supported.

- Rear Yard

In accordance with Section 11.(3)(iii)(b) a minimum rear yard depth of 13.5 m is required, whereas 7.62 m is proposed from the "top-of-bank" (proposed "E" District boundary).

As with the side yard requirement, the rear yard depth is measured to the "top-of-bank", not the actual property limits. Considering the irregular shape of the "top-of-bank", and the fact that the proposed building overlooks extensive "Open Space" lands at the rear (which are owned by the applicant), the variance is considered minor in nature and can be supported.

- Floor Area Ratio

As set out under Section 11.(5) a maximum floor area ratio factor of $1.7 \times \text{lot area}$ or $12,508.6 \text{ m}^2$ of gross floor area is permitted, whereas a floor area ratio factor of $1.85 \times \text{lot area}$ or $13,650 \text{ m}^2$ of gross floor area is proposed.

Considering the nature of the use and the extent of support services that are to be provided, including approximately 54% landscaping, the variance is deemed to be minor in nature and can be supported.

- Parking

As previously noted (see Permitted Uses), the proposal is considered a multiple dwelling for purposes of By-law interpretation. Technically, a minimum of 179 parking spaces ($143 \text{ units} \times 1.25$) would be required, whereas 76 are proposed (approximately 0.53 spaces/unit).

In comparison, a minimum of 41 parking spaces would be required if the proposal qualified as a "home for elderly persons" [$(100 \text{ units} \times .3 \text{ spaces}) + (43 \text{ units} \times .25 \text{ spaces})$] under the Zoning By-law. Considering the similarity in nature of the proposed use and a "Home for Elderly Persons", and that the Traffic Department supports the requested reduction in parking, the variance should be granted.

With respect to the reduced length of the parking spaces (5.5 m vs 6.0 m), and the absence of required loading spaces on the preliminary site plan, the applicant's agent has advised that it is their intent to meet the By-law requirements. Accordingly, no variance(s) are required.

- Accessory Building

Section 18.(4)(iv) of the Zoning By-law prohibits the erection of an accessory building in a side yard, whereas a gazebo was shown on the first preliminary plan. Because the building is designed in an irregular shape ("L"), the gazebo is technically in a side yard. Considering that it is behind the main portion of the building, and is in effect in a rear yard, the variance is minor in nature and can be supported.

4. In keeping with the recommendation of the Hamilton Region Conservation Authority, no building or structure should be located less than 7.62 m from the proposed top-of-bank.

In addition, the Authority has advised that on the basis of preliminary plans, the grades between the rear of the building and the proposed new top-of-bank will range from 8.3% to 33%. Considering the nature of the proposed use (retirement home), and that the anticipated average age of residents is 75 years, such grades would be a major impediment to the safe/functional use of the rear yard area.

Although future development of the lands would be subject to Site Plan Control, it would be appropriate to apply Section 35(1) of the Planning Act, whereby Council may in a By-law use a holding symbol 'H' in conjunction with any Zoning District. The Zoning District with a holding symbol specifies the use to which lands, buildings or structures may be used at such time in the future when the holding symbol is removed by the passage of an amending By-law by City Council.

In this regard, the removal of the 'H' symbol should be subject to the approval of Site Plans, including the establishment of suitable grades between the rear of the building and the proposed new top-of-bank.

5. In keeping with the request of the Niagara Escarpment Commission to restrict the permitted uses in the proposed "A" District (Block 1 - APPENDIX "A") to achieve conformity with the "Escarpment Natural Area" designation of their Plan, it is recommended that the "A" District be modified to prohibit the following uses:

- a golf course;
- playground;
- playfield;
- playlot;
- cemetery;
- a mausoleum or columbarium
- a crematorium situated within or upon a cemetery.

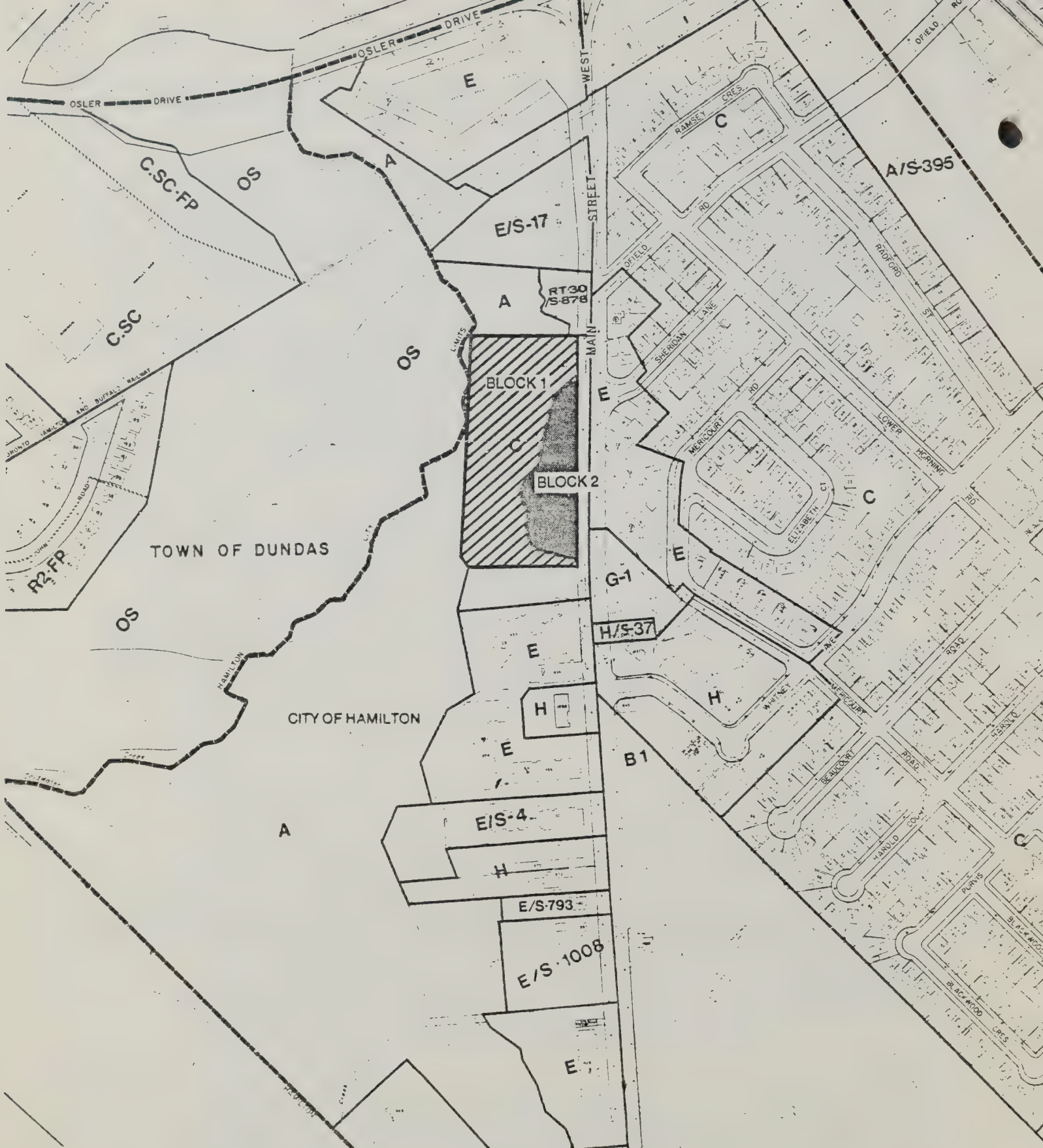
In this regard, the applicant has advised that they have no objection to these restrictions as they are intending to establish walking trails and re-establish the tennis court.

CONCLUSION

On the basis of the foregoing, the application can be supported.

PDM/ma

WP0096P



Legend

Proposed change in zoning from "C"(Urban Protected Residential, etc.) District to:



BLOCK 1

A(Conservation, Open Space, Park and Recreation) District



BLOCK 2

E(Multiple Dwellings, Lodges, Clubs, etc.) District



ZA88-26

| AREA | TO BE | DESIGNATED | OPEN | SPACE |
|------|-------|------------|------|-------|
| 1 | 2 | 3 | 4 | 5 |

MAIN STREET W E S T

SHERIDAN LANE

◆ 702 712 722 732 742 752 762 772 782 792 802 812 822 832 842 852 862 872 882 892 902 912 922 932 942 952 962 972 982 992

◆ *July*

APPENDIX B

22a.

Jun 22 89

Planning and Development Committee
City Hall
71 Main St W
Hamilton Ont L8N 3T4

ZA86-26

Dear Sirs - Motion

It opposes to the proposed zone change on property at
1385, 1740 and 1746 West 11th St W, a ch de
not provide 55 parking spaces for 143 units plus
staff is adequate especially when people are
arriving early and a car is a necessity
rather than a luxury.

Yours truly

Lane McShane
1760 Main St W
Apt # 1113
Hamilton, Ont
L8S 1H2

FOR ACTION

23.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 January 20
COMM FILE:
DEPT. FILE: ZA-88-101

SUBJECT:

An amended application requesting a modification to the established zoning - Nos. 282, 284, and 288 Grays Road.

RECOMMENDATION

- (a) That approval be given to Official Plan Amendment No. , to redesignate the southerly portion of the subject lands from "UTILITIES" to "COMMERCIAL", and that the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to amended Zoning Application 88-101, Tyka Investments Limited, owner, requesting a modification to the established "HH" (Restricted Community Shopping and Commercial) District to permit a 3 storey building having approximately 1,000 m² of ground floor commercial space and 2 floors of residential development (16 apartments), for lands located at Nos. 282, 284 and 288 Grays Road, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following as special requirements:
 - 1. That notwithstanding Section 14A(1)(a) of By-law No. 6593 a 16 unit multiple dwelling shall be permitted, provided same is attached only to a commercial use(s) permitted under Section 15B(3)(b) of By-law No. 6593.
 - 2. That notwithstanding Section 14A(2) of By-law No. 6593 no building for the use specified in paragraph 1 shall exceed 3 storeys in height, and commercial uses shall only be permitted within the first storey.
 - 3. That notwithstanding Section 14A(3)(b) of By-law No. 6593 a southerly side yard having a width of at least 1.5 m shall be provided and maintained for the use specified in paragraph 1.

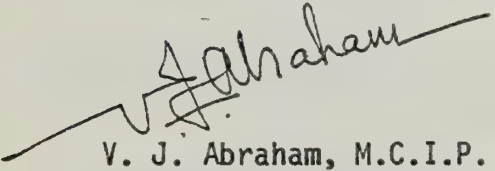
4. That notwithstanding Section 18A(17)(b) and Tables 3 and 4 of Section 18A of By-law No. 6593 only one loading space having a minimum size of 18.0 m x 3.7 m x 4.3 m shall be required for the use specified in paragraph 1.
 5. That there shall be provided and maintained an amount of not less than 44% of the area of the lot as landscaped area, of which not less than 28% of the landscaped area shall be provided and maintained at grade, for the use specified in paragraph 1.
 6. That a minimum 1.5 m wide planting strip shall be provided and maintained along the southerly side lot line and rear lot line for the use specified in paragraph 1.
 7. That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the boundary of the rear lot line and southerly side lot line for the use specified in paragraph 1.
 8. No residential use shall be located except functionally completely separate from any commercial use, and except in such a manner as will completely segregate from any commercial use, pedestrian movement to and from any residential use.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-123 be notated S- ;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-123 for presentation to City Council;
 - iv) The proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth;
 - v) That the approved Riverdale East Neighbourhood Plan be amended by redesignating the subject lands to "COMMERCIAL AND APARTMENTS".

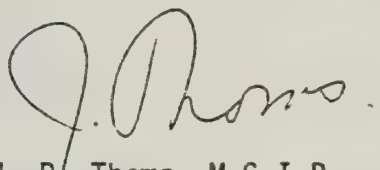
EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the established "HH" (Restricted Community Shopping and Commercial) District for lands located at Nos. 282, 284 and 288 Grays Road, as shown on the attached key map.

The effect of the By-law is to permit the development of the subject lands for a 3 storey building having approximately 1,000 m² of ground floor commercial space, and residential dwelling units on the second and third floors (total of 16 units). Parking for 38 cars is to be provided on site. In addition, the By-law provides for the following variances as special requirements.

- That only the commercial uses permitted in the "CR" (Commercial-Residential) District (Section 15B(3)(b)) shall be permitted in conjunction with the 16 dwelling units.
- The maximum building height permitted is 3 storeys, whereas 4 storeys is normally allowed, and commercial uses will only be allowed in the first storey;
- A minimum southerly side yard of 1.5 m in width is to be provided and maintained;
- One loading space having a minimum size of 18.0 m x 3.7 m x 4.3 m is to be provided, whereas two loading spaces are required;
- An amount of not less than 44% of the lot area is to be provided and maintained as landscaped area, of which not less than 28% of the landscaped area is to be provided and maintained at grade;
- A minimum 1.5 m wide planting strip is to be provided and maintained along the southerly side lot line and rear lot line;
- A visual barrier not less than 1.2 m in height and not greater than 2.0 m in height is to be provided and maintained along the boundary of the rear lot line and southerly side lot line.
- That access to the residential units is to be completely separate from the commercial uses.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The applicant has requested a modification to the established "HH" (Restricted Community Shopping and Commercial) District to permit the development of a 3 storey building containing approximately 1,000 m² (10,764 sq.ft.) of ground floor commercial space, and 2 floors of residential development (i.e. 16 apartments). The commercial uses are to be restricted to only those uses permitted in the "CR" (Commercial-Residential) Districts. A total of 38 parking spaces (18 commercial - 20 residential) and 1 loading space are to be provided. About 28% of the lot area will be landscaped at grade, and 16% above grade.

APPLICANT

Tyka Investments Limited, owner.

LOT SIZE AND AREA

An irregularly shaped parcel of land having approximately:

- 58.24 m (191 feet) of frontage on Gray's Road; and
- 3,130.4 m² (33,696 sq.ft.) of lot area.

LAND USE AND ZONING

| | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|--------------------------|---|---|
| <u>SUBJECT LANDS</u> | Vacant single-family dwelling and lands | "HH" (Restricted Community Shopping and Commercial) District |
| <u>SURROUNDING LANDS</u> | | |
| to the north | Commercial | "HH" (Restricted Community Shopping and Commercial) District |
| to the south | Single-family dwellings (Stoney Creek) | Existing Residential "ER" Zone |
| to the east | Residential and Ontario Hydro Corridor (Stoney Creek) | Residential Multiple "RM1" Zone and Neighbourhood Development "ND" Zone |
| to the west | Multiple Dwelling and Ontario Hydro Corridor | "DE" (Low Density Multiple Dwellings) District and "L-pn" (Planned Development - Public and Institutional) District |

OFFICIAL PLAN

The northern portion of the subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept of the Official Plan. The following policies, among others, apply:

- "2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:

i) Residential uses subject to the following provisions:

- a) Access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;
- b) Any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized;
- c) In the case of a Residential use ancillary to a COMMERCIAL USE, sufficient amenity space will be provided exclusively for the Residential component and associated customer parking areas; and,
- d) Satisfy the provisions of Subsection A.2.1. and C.7.

2.2.17 Residential uses may be permitted within EXTENDED COMMERCIAL areas without an amendment to this Plan where they will not restrict or interfere with the function of the primary permitted uses, and subject to the General Provisions of this Subsection".

In addition, the southern portion of the lands are designated "UTILITIES" on Schedule "A". The primary permitted uses in this designation are for "...passenger terminals; freight handling facilities and related storage; railway, warehousing and parking areas; electric power facilities; pipelines and natural gas lines; and major road facilities".

On the basis of the foregoing, the proposal does not comply. An amendment would be required to redesignate the southern portion of the subject lands from "UTILITIES" to "COMMERCIAL".

NEIGHBOURHOOD PLAN

The subject lands are designated "COMMERCIAL AND UTILITIES" in the approved Riverdale East Neighbourhood Plan. The proposal does not comply. Approval of the application would require an amendment to redesignate the lands to "COMMERCIAL AND APARTMENTS".

RESULTS OF CIRCULARIZATION

- The following agencies have no comments or objections:

- LACAC;
- Hamilton Region Conservation Authority;
- Traffic Department;
- Building Department;
- Ontario Hydro.

- The City of Stoney Creek has advised as follows:

"Planning Staff have reviewed this proposed amendment and wish to advise that we would have no objection to the approval of same as we note that the proposed building is of a height less than currently permitted in the Zoning By-law. We trust that through your Department, appropriate site planning details will be addressed and incorporated on site for the benefit of the future residents and to protect abutting residents".

- The Hamilton-Wentworth Department of Engineering has advised as follows:

"Please be advised that public watermains and separate storm and sanitary sewers are available to service the subject lands.

We do not anticipate any further road allowance widenings at this time.

The preliminary site plan submitted with the application is satisfactory".

- The Building Department has advised as follows:

"Section 18A(20) permits a reduction of the required parking provided that 80% of the parking spaces accessory to the residential uses are fully and completely separated from the commercial uses parking spaces. The proposal does not meet this requirement, therefore the minimum number of parking spaces and loading spaces are required to be provided. 18 parking spaces & 1 loading space (3.7 m x 18.0 m x 4.3 m) for commercial use and 20 parking spaces and 1 loading space (3.7 x 9.0 m 4.3 m) for the residential use".

COMMENTS

1. The proposal does not fully comply with the Official Plan. Approval of the application would require an amendment to redesignate the southerly portion of the property from "UTILITIES" to "COMMERCIAL".
2. The proposal does not comply with the intent of the approved Riverdale East Neighbourhood Plan. Approval of the application would require an amendment to redesignate the subject lands from "COMMERCIAL AND UTILITIES" to "COMMERCIAL AND APARTMENTS".
3. The proposal has merit and can be supported for the following reasons:
 - it would be compatible with existing development in the surrounding area;
 - it would provide rental accommodation (16 dwelling units) which is in short supply; and
 - the restriction on proposed commercial uses would avoid potential conflicts with the proposed residential units.

4. The Building Department has advised that approval of the application as submitted would require the following variances;

- Use

The "HH" zoning district does not permit multiple dwellings. Accordingly, a variance is required to permit the 16 dwelling units in conjunction with the commercial use (Section 14A(1)).

- Loading Spaces

In accordance with Section 18A(17)(b) and Tables 3 and 4 a minimum of 2 loading spaces are required, whereas 1 is proposed. The Traffic Department has advised that the 1 large loading space as proposed, is sufficient for the development. Therefore, the variance is considered to be minor and can be supported.

5. Considering that the subject property adjoins residential development to the east and south (Stoney Creek), it would be appropriate to require the following special provisions to mitigate the potential impact of the proposal thereon:

- Visual Barrier

A visual barrier not less than 1.2 m in height and not greater than 2.0 m in height should be provided and maintained along the boundary of the rear lot line and the southerly side lot line (as proposed).

- Yards

Technically, no southerly side yard setback is required because the adjoining residential lands are located in the City of Stoney Creek. However, the intent of the "HH" District is that where the lands adjoin a district in which side yards are required, then at least an equivalent side yard setback is to be provided.

On the basis of a preliminary site plan, the proposal will provide a minimum 1.5 m setback which would be appropriate.

- Landscaped Area

There should be provided and maintained an amount of not less than 44% of the area of the lot as landscaped area, of which not less than 28% of the landscaped area shall be landscaped at grade (as proposed).

In addition, a minimum 1.5 m planting strip should be provided and maintained along the southerly side lot line and rear lot line.

- Building Height

The proposed building would be a maximum of 3 storeys high, whereas 4 storeys is permitted. Considering that the adjoining lands to the east and south are single-family dwellings, the height should be restricted as proposed.

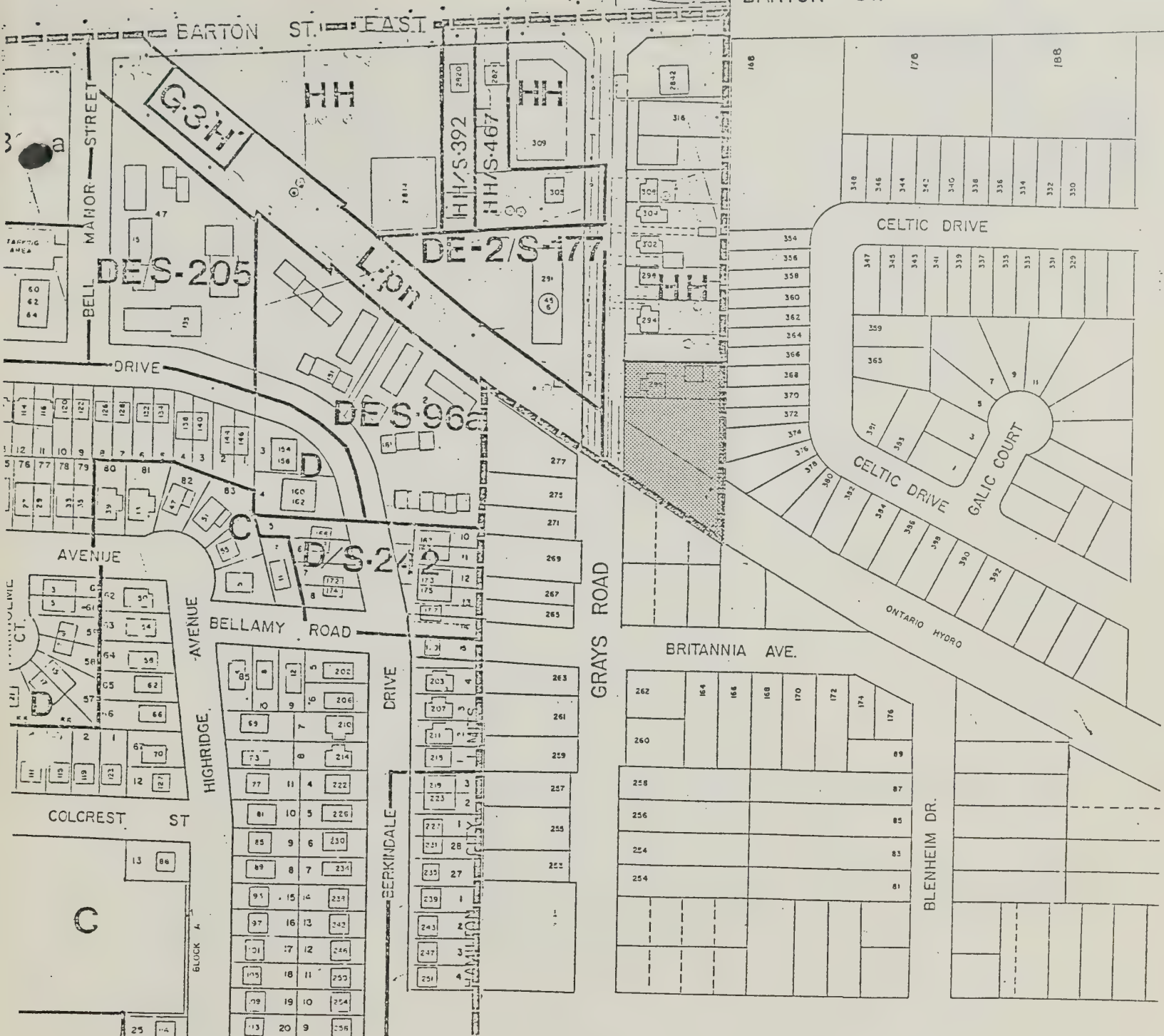
In addition, in keeping with the intent of the "CR" (Commercial-Residential) Districts, access to the dwelling units should be completely separate from the commercial uses.

6. Development of the subject lands would be subject to By-law No. 79-275 respecting Site Plan Control, thereby allowing for the review of access, parking, landscaping, etc.

CONCLUSION

On the basis of the foregoing, the application can be supported.

PDM/ma
WP0096P



Legend



Site of the Application



23a

72
m

ZA88-101

Alfama

JRY/gs

The Corporation of the City of Hamilton.
Planning and Development Committee
City Hall, Hamilton.
Attention: Secretary Planning and
Development.

| | |
|--------|----|
| 23b | |
| DATE | 92 |
| TIME | PM |
| STAFF | |
| CART. | |
| ADMIN. | |

Dear Sir/Madam,

ZA88-10

With regards to your application
for rezoning received from
TYKA Investments Ltd. owner, for a
modification to the established
"H.H." District regulations for
properties municipally known
as Nos. 282, 284, 288 Group
Rd., as shown on your attached
map, I am strongly apposed.

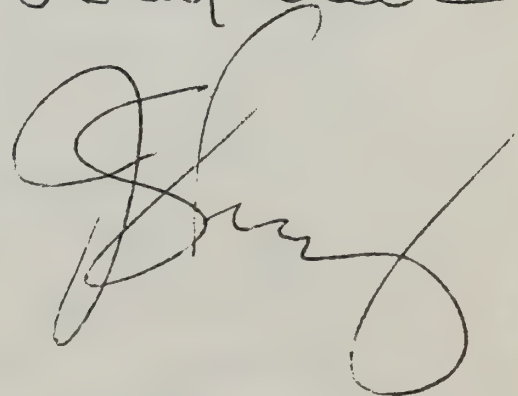
Let me first consider
my justification
for opposition. My property and
house at 380 Celtic is situated
immediately behind where this
three story building is to be
placed. I will have to
withstand the unpleasantness
of looking at a 3 story
building. From my backyard
along with an increase of
noise and the stench of
garbage that a density

of residents do create

To further express my disagreement from a security point of view multi tenanted dwellings increase the incidents of vandalism that may occur and more importantly the privacy expected and paid for as a single-family resident.

Having purchased a home in an area developed for single family homes I strongly oppose any changes in the re-zoning of this property for multi-residential dwelling to increase the profitability of this property for TARA investments and change in the city's official plan.

Mr J. Stacey
380 Celtic Dr
Stoney Creek



cc Mayor Stan Kopper
Larry Dilani

JAN 26 1989

Mr. W. Nucciarone,
376 Celtic Dr.,
Stoney Creek, Ont., L8E 4W
January 20, 1989

23c.

Planning & Development Committee,
Hamilton City Hall,
71 Main St. W.,
Hamilton, Ont., L8N 3T4.

Sir / Madame;

With reference to file ZA-88-101 we wish to voice our opposition to the modification of existing zoning of the properties known as Nos. 282, 284 and 288 Gray Road.

We feel that changing the zoning to allow apartment type units to be built in a neighborhood consisting primarily of single family dwellings will have a negative impact on our neighborhood in general and on our adjoining properties in particular.

Amongst our concerns are the potential for increased vandalism, garbage, noise, traffic, and, undeniably, loss in privacy since these units will be literally looking into our bedrooms. Stray nighttime illumination of the building and parking lot will also result in a loss of privacy. In addition, we fear a decrease in our property values.

We hope you take our concerns into consideration in arriving at your decision.

cc. Mr. L. Hagger
Mr. L. Nucciarone

Sincerely,
W. Nucciarone

Secretary, Planning + Development
City Hall
71 Main Street West
Hamilton, Ontario
LSN 374.

Re: Proposed Zoning Change
Nos. 282, 284 + 288 Group Rd
Your File # ZA-88-101

| PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH | | | | |
|---|------|-------------|-------|------|
| FILE NO. | | JAN 26 1989 | | |
| TO | DATE | INIT. | INFO. | ACT. |
| Mr + Mrs W. Kool | | | | |
| 378 Celtic Drive | | | | |
| Stoney Creek, Ont | | | | |
| L8E 4N3 | | | | |
| PM | | | | |
| January 23, 1989 | | | | |

23d

With reference to the above proposed zoning change, we would like to register our objection for the following reasons. The loss of our privacy from a 3 story building in our backyard would be terrible considering we purchased a single family home to ensure our privacy. We also fear that our property will decrease in value.

There would inevitably be an increase in vandalism. We have lived on Celtic Drive for over two years and our house has already been broken into.

The additional garbage from the apartments as well as the increase in noise would pollute our beautiful neighborhood.

As far as the aesthetics, there is no way to screen the view of a building this large and the parking lot lighting will be disturbing to us at night.

We hope you will take our objections into consideration and will NOT ALLOW the zoning change to go through.

Yours Truly,
Kathy Kool.

cc: Mayor Stan Napper, Councillor L. DiToro

After carefully weighing these considerations, I sincerely hope that this re-zoning request is denied.

Lois Pantalone

[illegible]

CA4 ON HBL AOS
C51P4

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1989 February 9

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1989 February 15th
12:00 O'CLOCK NOON
Room 233, City Hall


Susan K. Reeder
Secretary

SKR/mc

PLEASE NOTE EARLIER START TIME
LUNCH WILL BE SERVED AT 12:00 O'CLOCK NOON

A G E N D A

- A. Presentation - Final Report - Task Force to Review the Mandate and Structure of the Hamilton Harbour Commissioners.

NOTE: Copies of the Report were sent out on Friday, 1989 February 3rd. Additional copies will be available at the meeting.

1. Minutes of the meeting held Wednesday, 1989 February 1st.

BUILDING COMMISSIONER

2. Demolition Permit Applications



DIRECTOR OF COMMUNITY DEVELOPMENT

3. Locke Place (from Main Street West to Herkimer) B.I.A.; Request for Designation pursuant to Section 217, The Municipal Act.
4. Main Street West (from Locke Street to Queen Street); B.I.A.; Request for Designation pursuant to Section 217, The Municipal Act.
5. Commercial Facade Loan Programme - 489 Concession Street; Hamilton

COMMISSIONER OF ENGINEERING

6. Cash payments in lieu of 5% Parkland Dedication
 - (a) "Templemead No. 2 Survey - Phase 6", Hamilton
 - (b) "Clerico Court", Hamilton
7. Modified Subdivision Agreement - 203 Rymal Road West, Hamilton - Parts 3, 4, 5, 6, 7 and 8 on Plan 62R-9720 (5% Parkland Dedication)

ALDERMAN D. ROSS

8. Tour of Display House - Canadian Homebuilders Association (no copy)

DIRECTOR OF LOCAL PLANNING

9. Amended Resolution for Zoning Application 88-17, 373 Brunswick Avenue

ZONING APPLICATIONS

3:00 O'CLOCK P.M.

COUNCIL CHAMBERS

3:00 O'CLOCK P.M.

10. Zoning Application 87-92 - 318 Locheed Drive and 742 Upper Kenilworth Avenue, Lisgar Neighbourhood.
11. Zoning Application 88-65 - 1033 Main Street West; Ainsley Wood East Neighbourhood. (no copy)
12. Zoning Application 88-96 - 987 Rymal Road East; Templemead Neighbourhood.

3:15 O'CLOCK P.M.

13. Zoning Application 88-97 - 204-214 Hess Street North; Central Neighbourhood.

3:30 O'CLOCK P.M.

14. Zoning Application 88-117 - 1249 Stone Church Road East; Trenholme Neighbourhood.

3:45 O'CLOCK P.M.

15. Zoning Application 88-120 - 75 Centennial Parkway North (Eastgate Square); Kentley Neighbourhood.

16. Other Business _

17. Adjournment



**CITY COUNCIL
HAMILTON, CANADA**

Brian Hinkley
Alderman Ward 3

71 MAIN STREET WEST L8N 3T4 • (416) 526-2730 • RES. (416) 572-7500

| | | | |
|----------|--|------------|-----------------|
| TO: | Mrs. Susan K. Reeder, Secretary Planning and Development Committee | YOUR FILE: | |
| FROM: | Alderman B. Hinkley, Chairman Task Force to Review the Mandate and Structure of the Hamilton Harbour Commissioners | OUR FILE: | |
| | | PHONE: | 526-2730 |
| SUBJECT: | Final Report - Task Force to Review the Mandate and Structure of the Hamilton Harbour Commissioners | DATE: | 1989 January 26 |

Subjoined herewith are recommendations to the Planning and Development Committee with respect to the Final Report of the Task Force to Review the Mandate & Structure of the Hamilton Harbour Commissioners.

- (a) That the Planning and Development Committee RECEIVE the Final Report of the Task Force to Review the Mandate and Structure of the Hamilton Harbour Commissioners, and
- (b) That the Planning and Development Committee forward the Task Force Report to City Council, and recommend that City Council refer each of the recommendations contained in the Report to the appropriate Standing Committees for review and recommendations back to City Council for approval, and
- (c) That the recommendation requiring only City Council approval be referred back to the P & D Committee for discussions on an individual basis and recommendations back to City Council.

BH/mc

Wednesday, 1989 February 1
1:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman W. McCulloch
Alderman M. Kiss
Alderman H. Merling
Alderman B. Hinkley
Alderman D. Christopherson
Alderman D. Ross

Also present: Alderman T. Cooke
Alderman J. Gallagher
Alderman D. Agostino
Alderman G. Copps
Mr. L. Sage, C.A.O.
Mr. E. Matthews, City Treasurer
Mr. V. Abraham, Director of Local Planning
Mr. J. Schwartz, Regional Planning
Mr. P. Lampman, Building Department
Mr. K. Brenner, Regional Engineering
Mr. R. Karl, Traffic Department
Ms. J. McNeilly, Community Development
Mr. G. Robus, Building Department
Mr. R. Roszell, City Solicitor's Office
Mr. J. Thoms, Commissioner of Planning and Development
Mr. A. Georgiff, Planning Department
Ms. J. Hickey, Planning Department
Mr. J. Robinson, Community Development
Mr. D. Godley, Planning Department
Mr. P. Mallard, Planning Department
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meetings held 1988
December 13, 1988 December 14, and 1989 January 11.

The Committee agreed to approve and adopt these minutes.

The Committee was in receipt of a report from the Building Commissioner dated
1989 January 25 respecting demolition permit applications.

The Committee approved the following recommendation:

That the Building Commissioner be authorized to issue demolition permits
for the demolition of the following properties: -

- (a) 131 Nash Road South
- (b) 633 Queenston Road
- (c) 627 Queenston Road

The Committee was also in receipt of a recommendation from the Building
Commissioner dated 1989 January 25 respecting a demolition permit application
for property at 105 Aberdeen Avenue.

Alderman McCulloch outlined the history of this property and the various
Committees and Committee decisions that it has gone through.

Mayor R. Morrow declared a conflict of interest in this matter, as his family
home is within a short distance of the property being discussed, and abstained
from all discussions.

Mrs. Mazza, a neighbour of the property, spoke in support of Tabling or Denying
this application.

Minutes -
1988 December 13
1988 December 14
1989 January 11

Demolition Permit
Applications

Demolition Contro
105 Aberdeen
Avenue

Mr. Hill, a representative of the Durand Neighbourhood Association also spoke in support of Tabling or Denying this application.

Following considerable discussion on this matter by the Committee the following recommendation was approved:

That the provisions of Demolition Control By-law No. 74-290 be applied to the listed building at 105 Aberdeen Avenue.

NOTE: Sections 33(2) of The Planning Act, 1983, provides that a municipality may, by by-law, designate any area within the municipality wherein a by-law prescribing standards of maintenance and occupancy is in force as an area of demolition control.

Property Standards By-law No. 74-74, prescribing standards of maintenance and occupancy was enacted by City Council on 1974, April 30, and is in force in the City of Hamilton. By-law No. 74-290 - To Establish Demolition Control - provides that the area comprising the City of Hamilton is designated an area of demolition control.

Consequently, no residential property may be demolished in whole, or in part, in the demolition control area, until plans for the proposed development are approved and a permit issued by City Council.

This provision is included in The Planning Act in order to give Council some control over the premature and unnecessary demolition of sound housing stock.

For the information of the members of City Council, the Planning and Development Committee have also forwarded this matter to LACAC for comment.

Terms of Reference
- Downtown Action
Plan Co-ordinating
Committee

The Committee was in receipt of report from the Director of Community Development dated 1989 January 26 respecting the terms of reference for the Downtown Action Plan Co-ordinating Committee.

The Committee amended the staff recommendation to require that a regular status information report be forwarded to members of the Planning and Development Committee on the projects co-ordinated by the Downtown Action Plan Co-ordinating Committee.

The Committee then approved the following recommendation:

- (a) That, the Downtown Action Plan Co-ordinating Committee Terms of Reference be altered to read as follows:
 - (i) To facilitate the implementation of: Downtown Action Plan, Commercial Improvement Programme and other City of Hamilton Streetscaping Initiatives.
 - (ii) To provide a forum for the City of Hamilton's Business Improvement Areas for the purpose of ensuring representation on recommendations and reports put before Sub-committees and Council.
 - (iii) To provide staff recommendations and opinions to the Planning and Development Committee on urban design related initiatives/issues.
 - (iv) To ensure the maximum use of City resources - both staff and financial.
 - (v) To ensure that the goals and objectives of the relevant project are met as per City Council's approval; and,

- (b) That, the Downtown Action Plan Co-ordinating Committee continue to meet, with the addition of the following additional representatives from the Business Improvement Areas:

Meri Oliver, (International Village Business Improvement Area)
Bill Dawson, (Westdale Village Business Improvement Area)

Diane Morris, (Ottawa Street Business Improvement Area)
George Barker, (Concession Street Business Improvement Area)
Keith Cody, (Barton General Business Improvement Area)

- (c) That the Planning and Development Committee be advised on a regular basis of the status of the projects being co-ordinated by the Downtown Action Plan Co-ordinating Committee.

The Committee was in receipt of a Report from the Director of Community Development dated 1989 January 26 respecting authorization to sign the Municipal/Provincial Agreement; Crown Point West / Stipeley PRIDE Phase 1.

The Committee approved the following:

That, the Mayor and City Clerk be authorized to sign the necessary Provincial/Municipal Implementation Agreement for the Crown Point/West Stipeley PRIDE Phase I Project, satisfactory to the City Solicitor.

NOTE: In order that the City of Hamilton can make use of the Provincial allocation of four hundred thousand dollars (\$400,000), matched by Municipal funds equalling a total of eight hundred thousand dollars (\$800,000), for the Crown Point West/Stipeley PRIDE Project, the Mayor and City Clerk must sign the necessary Implementation Agreement. Although the Mayor and City Clerk have already signed this Agreement, the Ministry of Municipal Affairs will not execute same until the new Council authorizes this action. Once the recommendation has been approved by City Council, the necessary by-law will be submitted to the Ministry of Municipal Affairs, Community Renewal Branch. The City Solicitor's Department has already reviewed the Implementation Agreement and found it to be satisfactory.

The Committee was in receipt of a recommendation from the Director of Community Development dated 1989 January 26 respecting a revised Board of Management 1989-1991 for International Village B.I.A.

The Committee approved the following:

- (a) That, By-law 87-229 amending By-law 86-212 appointing the International Village B.I.A. Board of Management be amended to DELETE the following names:

| | |
|-------------------|-------------------------|
| Michelle Gallante | Modern Furs |
| Gord Thompson | G.W. Thompson Jewellers |
| Julie O'Brien | Bizarre Bazaar |
| Bill Elliot | Money Mart |

and ADD the following names:

| | |
|----------------------|----------------------------|
| Mary Bowden | Book Villa |
| Gary Frydman | Gary's New York Mens' Wear |
| Frank Lauinger | Audio Store |
| Allen Rigby | Bay City Paint |
| Inder Singh | Empire Oriental Carpets |
| Bob Seromsky | ZAP Records |
| Jean Squires | C.I.B.C. |
| Margaret Tsangarakis | It's All Greek to Me |
| Mike Vento | Off the Wall |
| Helen Phillips | Arrivals |

- (b) That, the City Solicitor be authorized and directed to amend By-law 87-229 pursuant to (a) above.

Authorization to
sign - Municipal/
Provincial
Agreement; Crown
Point West/Stipeley
PRIDE Phase I

Revised Board of
Management
International
Village B.I.A.

Revised Board of
Management
Westdale Village
B.I.A.

The Committee was in receipt of a report from the Director of Community Development dated 1989 January 26 regarding revised Board of Management; Westdale Village B.I.A.

The Committee approved the following:

- (a) That, By-law 86-98 appointing the Westdale Village B.I.A. Board of Management, be amended to DELETE the following names:

| | |
|------------|---------------------|
| J. Pocsai | Tulip's Cafe |
| R. Fazakas | Lawyer |
| M. Crump | Bremat Construction |
| S. Delman | Village Bagel |
| G. Ditner | Cottage Florist |
| C.C. West | National Trust |
| G.M. Ujiye | Big V Drug Store |

and ADD the following:

| | |
|-------------|-------------------------|
| B. Dawson | The Villager Mens' Wear |
| R. McGrath | Toronto-Dominion Bank |
| D. Harley | Deborah Harley Fashions |
| J. Jennings | Five Season's Travel |

- (b) That, the City Solicitor be authorized and directed to amend By-law 86-98 pursuant to (a) above.

NOTE: For the information of the members of City Council, the following will continue to serve on the Westdale Village B.I.A. Board of Management:

| | |
|-----------|--------------------|
| R. Rahie | Jack Carruch Shoes |
| S. Snider | The Frame Shop |
| M. Kane | Maryann's Gifts |

Revised Board of
Management
- Ottawa Street
B.I.A.

The Committee was in receipt of a report from the Director of Community Development dated 1989 January 26 regarding a revised Board of Management; Ottawa Street B.I.A.

The Committee approved the following:

- (a) That, By-law 88-89, as amended by By-law 88-144, appointing the Ottawa Street B.I.A. Board of Management be amended to DELETE the following names:

| | |
|------------|---------------------------|
| L. Baker | Jenome |
| T. Culshaw | A & B Catering |
| L. Higgins | Hamilton Appliance Centre |

and ADD the following:

| | |
|--------------|---------------------|
| C. Marabella | Encore TV and Video |
|--------------|---------------------|

- (b) That the City Solicitor be authorized and directed to amend By-law 88-89 pursuant to (a) above.

NOTE: For the information of the members of City Council, the following will continue to serve on the Ottawa Street B.I.A. Board of Management:

| | |
|----------------|-------------------------|
| G. Carrey | Howard Flower Shoppe |
| E. Desmarais | Fred Gregory Florist |
| E. Widerman | Heirloom Portraits |
| J. Gut | The Textile Centre |
| S. Eisenberg | Liberty House Furniture |
| T. Easterbrook | Kents Hardware |
| D. Ferrell | Giant Tiger |

The Committee was in receipt of a report from the Director of Community Development dated 1989 January 26 respecting a revised Board of Management; Concession Street B.I.A.

Revised Board of
Management
Concession Street
B.I.A.

The Committee approved the following:

- (a) That, By-law 86-144 appointing the Concession Street Business Improvement Area (B.I.A.) Board of Management be amended to DELETE the following names:

| | |
|---------------|---------------------------------------|
| R. Somerville | Lockhart's Ladies Wear |
| P. Ford | Don Ford & Associates |
| R. Devries | Ray Devries Real Estate and Insurance |
| E. Horyn | Walt's Variety |
| S. Miller | New Dundee Pie Shoppe |
| E. Raphael | So-Low Sales |
| P. Wright | P. Wright & Son's Catering |
| J. Marion | Wilf's Hardware |
| N. Woolcott | Woolcott Shoe Store |
| P. Wright - | Pat Wright Catering |

and ADD the following:

| | |
|----------------|-------------------------|
| G. Barker | Barker Furniture |
| J. Jarvis | Lockhart's Ladies Wear |
| N. Harrington | Harrington & Harrington |
| R. Butterworth | Butterworth Architect |
| D. Logan | Wheels in Motion |
| R. Best | Bar-B-Q at Best |

- (b) That, the City Solicitor be authorized and directed to amend By-law 86-144 pursuant to (a) above.

NOTE: For the information of the members of City Council, the following will continue to serve on the Concession Street B.I.A. Board of Management:

| | |
|-------------|-----------------|
| N. Woolcott | Woolcott Shoes |
| J. Marion | Wilf's Hardware |

The Committee was in receipt of a report from the Director of Community Development dated 1989 January 26 respecting a revised Board of Management; Barton General B.I.A.

Revised Board of
Management
Barton General
B.I.A.

The Committee approved the following:

- (a) That By-law 87-308 appointing the Barton General B.I.A. Board of Management be amended to DELETE the following names:

| | |
|-------------|------------------------|
| F. Amad | Shaheen Ent. Ltd. |
| V. Greco | Riviera Banquet Hall |
| D. Howarth | Junk Box |
| R. Kratz | C.J. Kratz Ltd. |
| J. Thompson | Jack's Custom Kitchens |

and ADD the following:

| | |
|------------|-------------------------------|
| R. Brooker | Gas Tank King |
| J. Zidanic | Century Furniture Restoration |

- (b) That, the City Solicitor be authorized and directed to amend By-law 87-308 pursuant to (a) above.

NOTE: For the information of members of City Council, the following will continue to serve on the Barton General B.I.A. Board of Management:

| | |
|--------------|-------------------------------|
| K. Cody | Cody's Wallcovering |
| M. Korytko | Valco Decor |
| S. Vissari | Your Bakery Ltd. |
| S. Shumacher | Shumacher Shoes |
| J. Bota | Hack's Appliance & Power Tool |
| J. Stassis | Dr. Carburetor |

Revised Board of
Management
Downtown Promenade
B.I.A.

The Committee was in receipt of a report from the Director of Community Development dated 1989 January 26 respecting a revised Board of Management; Downtown Promenade Business Improvement Area.

The Committee approved the following:

- (a) That, By-law 87-148 appointing the Downtown Promenade B.I.A. Board of Management be amended to DELETE the following names:

| | |
|-------------|-------------------------------------|
| M. Caplan | Marvin Caplan's Gentlemen's Apparel |
| P. Roberts | Continental Bank of Canada |
| D. Wessel | Terminal Towers |
| P. Sefarian | Paul's Shoe Repair |
| T. Oliver | Guaranty Trust |
| M. Pocius | Park Place |
| J. Ross | Ross' Ladies Wear |

and ADD the following:

| | |
|------------|------------------------|
| D. House | Telesis |
| S. Parkin | Robinson/Ogilvy |
| G. Bullock | The Hamilton Spectator |
| R. Tittian | Reggie's |

- (b) That, the City Solicitor be authorized and directed to amend By-law 87-148 pursuant to (a) above.

NOTE: For the information of the members of City Council, the following will continue to serve on the Downtown Promenade B.I.A. Board of Management:

| | |
|---------------|------------------------|
| B. Hanna | Guaranty Trust |
| B. Massey | Royal Connaught |
| R. Harris | Harris & Henderson |
| J. Livingston | Livingston Furs |
| P. Pappas | Grapes & Things |
| W. Gerofsky | Leeds of Hamilton |
| T. Miele | Holiday Inn |
| M. Kampen | Woolworths |
| D. Marissen | Durwood Jones Barkwell |

Revised Board of
Management
Jamesville B.I.A.

The Committee was in receipt of a report from the Director of Community Development dated 1989 January 26 respecting a revised Board of Management; Jamesville B.I.A.

The Committee approved the following:

- (a) That, By-law 87-147 appointing the Jamesville B.I.A. Board of Management be amended to DELETE the following names:

| | |
|----------------|-------------------------------------|
| D. Robbins | Robbinex Capital Corporation |
| S. Leon | Irving's Famous Clothes Ltd. |
| M. Giamichele | Mario's Custom Tailor |
| M. Morgenstern | Nandor-Morgenstern Enterprises Ltd. |
| G. Ricca | Factory Furniture Ltd. |
| G. Ricca | Ricca Furniture Ltd. |
| R. Corsini | Corsini Supermarket |
| P. Viana | Acadia Travel Services Inc. |

| | |
|--------------|----------------------------|
| L. Bornstein | Gordon and Son Furs Ltd. |
| J. Morgan | J & J Pro Hardware |
| H. Organ | Kohler's Rexall Drug Store |
| O. Simoes | Oscar's Travel Agency |
| B. Miller | Miller Shoes |
| K. Sherman | Anshel's Ltd. |

and ADD the following:

| | |
|----------------|----------------------|
| M. Panopoulos | Jamesville Cafe |
| D. Frazer | 2 Beards |
| M. Robbins | Smith-McKay Florists |
| E. Piccine | La Triestina Shoes |
| P. Jovanovich | Copper John's Tavern |
| F. Mainolfi | Bar Michaelangelo |
| T. Manajimzada | Kuhistan's Boutique |

- (b) That, the City Solicitor be authorized and directed to amend By-law 87-147 pursuant to (a) above.

The Committee was in receipt of report from the Director of Community Development dated 1989 January 25 respecting proposed budget and schedule of payments for 1989; Downtown Promenade B.I.A.

The Committee approved the following:

- (a) That, the 1989 operating budget of the Downtown Promenade B.I.A. BE APPROVED in the amount of one hundred and ninety eight thousand, three hundred and sixty three dollars (\$198,363); and,
- (b) That, the City Solicitor be hereby authorized and directed to prepare the requisite by-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1989 budget as referenced in (a) above; and
- (c) That, the Schedule of Payments for 1989 be as follows:

| | | | |
|------------|-------------|-------------|-------------|
| January 1 | \$16,530.25 | July 1 | \$16,530.25 |
| February 1 | \$16,530.25 | August 1 | \$16,530.25 |
| March 1 | \$16,530.25 | September 1 | \$16,530.25 |
| April 1 | \$16,530.25 | October 1 | \$16,530.25 |
| May 1 | \$16,530.25 | November 1 | \$16,530.25 |
| June 1 | \$16,530.25 | December 1 | \$16,530.25 |

The Committee was in receipt of a report from the Director of Community Development dated 1989 January 9 respecting proposed budget and schedule of payments for 1989; Concession Street B.I.A.

The Committee approved the following:

- (a) That, the 1989 operating budget of the Concession Street B.I.A. BE APPROVED in the amount of eighteen thousand, seven hundred and fifty dollars (\$18,750); and,
- (b) That, the City Solicitor be hereby authorized and directed to prepare the requisite by-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1989 budget as referenced in (a) above; and,
- (c) That, the Schedule of Payments for 1989 be as follows:

| | | |
|-------------|---|---------|
| March 1 | - | \$5,000 |
| April 1 | - | \$5,000 |
| June 1 | - | \$4,000 |
| August 1 | - | \$2,500 |
| September 1 | - | \$2,250 |

The Committee was in receipt of Report from the Director of Community Development dated 1989 January 25 respecting proposed budget and schedule of payments for 1989; Westdale Village B.I.A.

Proposed Budget and Schedule of Payments for 1989 Downtown Promenade B.I.A.

Proposed Budget a Schedule of Payments for 1989 Concession Street B.I.A.

Proposed Budget and Schedule for 1989 - Westdale Village B.I.A.

The Committee approved the following:

- (a) That, the 1989 operating budget of the Westdale Village B.I.A. BE APPROVED in the amount of fifteen thousand dollars (\$15,000); and,
- (b) That, the City Solicitor be hereby authorized and directed to prepare the requisite by-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1989 budget as referenced in (a) above; and,
- (c) That, the Schedule of Payments for 1989 be as follows:

| | | |
|------------|---|---------|
| February 1 | - | \$3,000 |
| April 1 | - | \$5,000 |
| June 1 | - | \$5,000 |
| October 1 | - | \$2,000 |

Proposed Budget
and Schedule of
Payments for 1989
- Barton General
B.I.A.

The Committee was in receipt of a report from the Director of Community Development dated 1989 January 6 respecting proposed budget and schedule of payments for 1989; Barton General B.I.A.

The Committee approved the following:

- (a) That, the 1989 operating budget of the Barton General B.I.A. BE APPROVED in the amount of six thousand dollars (\$6,000); and,
- (b) That, the City Solicitor be hereby authorized and directed to prepare the requisite by-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1989 budget as referenced in (a) above; and,
- (c) That the Schedule of Payments for 1989 be as follows:

| | | |
|-----------|---|----------|
| April 1 | - | \$2,000, |
| July 1 | - | \$2,000, |
| October 1 | - | \$2,000 |

Proposed Budget
and Schedule of
Payments for 1989
- Ottawa Street
B.I.A.

The Committee was in receipt of a report from the Director of Community Development dated 1989 January 6 respecting proposed budget and schedule of payments for 1989; Ottawa Street B.I.A.

The Committee approved the following:

- (a) That, the 1989 operating budget of the Ottawa Street B.I.A. BE APPROVED in the amount of eighty-five thousand dollars (\$85,000); and,
- (b) That, the City Solicitor be hereby authorized and directed to prepare the requisite by-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1989 budget as referenced in (a) above; and,
- (c) That the Schedule of Payments for 1989 be as follows:

| | | |
|-------------|---|----------|
| March 1 | - | \$42,500 |
| June 1 | - | \$21,250 |
| September 1 | - | \$21,250 |

Proposed Budget
and Schedule of
Payments for 1989
- International
Village B.I.A.

The Committee was in receipt of an added report from the Director of Community Development dated 1989 February 1 respecting proposed budget schedule of payments for 1989; International Village B.I.A.

The Committee approved the following:

- (a) That the 1989 operating budget of the International Village B.I.A. BE APPROVED in the amount of seventy thousand, eight hundred and thirty-five dollars (\$70,835);
- (b) That, the City Solicitor be hereby authorized and directed to prepare the requisite by-law pursuant to Section 217 of the Municipal Act, R.S.O. 1980, to levy the 1989 budget as reference in (a) above; and,

(c) That the Schedule of Payments for 1989 be as follows:

| | |
|------------|----------|
| February 1 | \$20,000 |
| May 1 | \$20,000 |
| July 1 | \$30,835 |

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 January 11 respecting cash payment in lieu of 5% parkland dedication "Bentwood Place", subdivision.

Cash in lieu of
Parkland -
"Bentwood Place"
Subdivision

The Committee approved the following:

That the Corporation of the City of Hamilton ACCEPT the sum of \$7,155. as cash payment in lieu of 5% dedication for "Bentwood Place", subdivision, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located on the east side of Upper Gage Avenue at Royalvista Drive in the Templemead Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 January 5 respecting cash payment in lieu of 5% parkland dedication - "Templemead No. 3 Survey", Hamilton.

Cash in lieu of
Parkland -
"Templemead No. 3
Survey"

The Committee approved the following:

That the City of Hamilton ACCEPT the sum of \$7,650. as cash payment in lieu of 5% dedication in connection with "Templemead No. 3 Survey", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located east of Upper Gage Avenue and north of Rymal Road in the Templemead Neighbourhood.

The Committee was in receipt of a report from the City Solicitor dated 1989 January 6 respecting Butler et al vs City/Architects Fees re Library Farmers' Market.

Butler et al
vs City/Architect
Fees re Library
Farmers Market

Mr. R. Roszell of the City Solicitor's Office gave a verbal report on the results of this court case.

The Committee then approved the following recommendation:

That the interim account of Weir and Foulds, Barristers and Solicitors, dated 1988 December 21, in the amount of \$14,524.81 for fees and \$1,475.19 for disbursements for a total of \$16,000. BE PAID.

NOTE: This account covers services from 1988 October 14 to 1988 December 7 respecting Butler et al vs. City/Architects Fees re Library Farmers' Market.

The Committee was advised that agenda item no. 9 from the Regional Clerk respecting North-South Parkway; Dartnall Interchange - Freeway Steering Committee; Report 8-88, Item 4 has been WITHDRAWN from the agenda.

Agenda Item 9
WITHDRAWN Freeway
Steering Committee

The Committee was in receipt of a memorandum from Alderman D. Ross dated 1989 January 24, respecting Public meeting of the Planning and Development Committee notices.

Notices of Public
Meetings of the
P & D Committee

Discussion ensued on this matter and the Committee approved the following:

That members of the Planning and Development Committee receive ONLY those Notices of Public Meeting of the Planning and Development Committee with respect to the Planning matters which concern their particular ward, unless otherwise indicated by the Alderman to the Planning Department Staff.

NOTE: Prior to each Planning and Development Committee meeting, members of the Committee are provided with copies of ALL notices. Since these notices are included in the agendas, the Committee has agreed that it is more appropriate for the members to only receive advance copies of the Notices affecting their particular Ward.

Alderman Merling indicated that he wishes to obtain all notices of Planning and Development Committee Public Meetings.

Lot Severance -
#1 Bull's Lane

The Committee was in receipt of a memorandum from Alderman H. Merling, dated 1989 January 26 respecting lot severance - 1 Bull's Lane.

Alderman Merling spoke to this matter and outlined the background.

The Committee then approved the following recommendation:

- (a) That City Council petition the Niagara Escarpment Commission, and based on the fact that the applicable City/Regional Departments are opposed to the granting of the lot severance on property at #1 Bull's Lane, strongly urge the Commission to DENY the applicant's request for lot severance, and
- (b) That the appropriate City staff be authorized to represent the City at the Ontario Municipal Board against the severance application.

Garbage Chutes -
Apartment
Buildings

The Committee was in receipt of a memorandum from Alderman D. Agostino dated 1988 November 16, respecting garbage chutes in apartment buildings. The Committee was also in receipt of a report from the Director of Inspections, Building Department, dated 1988 December 14 as well as a letter from Mr. Marcel Mongeon, General Manager, The Joyrmarmon Group dated 1989 January 11 respecting this matter.

Following discussion on this matter, the Committee agreed that the following recommendation be forwarded to the Legislation Committee for consideration:

- (a) That City Council petition the Provincial Government to enact Legislation to the location and use of garbage chutes to be on all floors of apartment buildings.
- (b) That the above petitioning also be forwarded to the Ontario Building Code Committee.

Presentation -
Final Report
Harbour Task Force

Alderman Hinkley spoke to the Committee and indicated that the final report for the Task Force to Review the Mandate and Structure of the Hamilton Harbour Commissioners will be presented to the Planning and Development Committee meeting to be held Wednesday, 1989 February 15. The meeting will start at 12:00 o'clock noon, with a luncheon, to be followed by the presentation of the Report.

Draft Approved
Plan of Subdivision
"Anchor Road
Industrial Park"

The Committee was in receipt of report from the Commissioner of Planning and Development dated 1989 January 12 respecting draft approved plan of subdivision "Anchor Road Industrial Park".

The Committee approved the following:

- (a) That APPROVAL be given to Subdivision Application 88-19, 456941 Ontario Ltd., c/o Silvestri Investments, owner, to establish a draft plan of subdivision, on the west side of Pritchard Road and north of Rymal Road, subject to the following conditions:
 - (i) That this approval apply to the plan prepared by A.J. Clarke & Associates Ltd., dated 1988 August 23, revised to show 16 lots, one block (Block "17") for development with adjacent lands, one block (Block "18") for open space and two blocks (Blocks "19" and "20") as 0.3m reserve, a 26.0m width of Road "A", 12m x 12m daylight triangles at all crosses of the intersection of street "A" and Anchor Road, a 15m x 15m daylight triangle at the intersection of Street "A" and Pritchard Road, an increase to Block "18" and correspondent changes to the remaining lots.
 - (ii) That the streets be dedicated as public highways on the final plan.
 - (iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

- (iv) That the final plan conform with the Zoning By-law approved under The Planning Act.
 - (v) That Block "18" be set aside for acquisition by a public agency for open space purposes.
 - (vi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (viii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (ix) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-18), 456941 Ontario Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 January 12 respecting proposed draft plan of condominium "Mount Albion Park".

The Committee approved the following:

That APPROVAL be given to Condominium Application 88-24, "Mount Albion Park", 660555 Ontario Limited, owner, to establish a draft plan of condominium located at the south side of Montmorency Drive and on the east side of Mount Albion Road, subject to the following conditions:

- (a) That this approval apply to the plan prepared by A.J. Clarke & Associates Ltd., dated 1988 November 14.
- (b) That the final plan show a distance of 7.6m between units 42, 43 and 50 and the top edge of the ravine slope and a distance of 7.6m between units 50 to 55 and the easterly property line.
- (c) That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.
- (d) That the neighbourhood plan be amended accordingly.

The Committee was advised that Item 15 on their agenda respecting site plan control application DA-88-119 for property at 36-42 James Street North, has been WITHDRAWN.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 January 20 respecting revised resolution for proposed Official Plan Amendment 70 and City Initiative 88-M (Block "1" bounded by Burlington Street East, Oliver Street, Wilfred Street and Wentworth Street North; and Block "2" bounded by Wentworth Street North, Niagara Street and Land Street).

The Committee approved the following:

That Section 7 of the THIRD Report for 1989 of the Planning and Development Committee, adopted by City Council on 1989 January 10 BE AMENDED as follows:

Proposed Draft
Plan of
Condominium
"Mount Albion Par

Agenda Item 15 re
DA-88-119 WITHDRAWN

Revised resolution:
- Proposed OPA
70 and C.I. 88-M

- (a) That Sub-section (a) of Section 7, which reads as follows BE DELETED:

"That APPROVAL be given to Official Plan Amendment No. 70. to redesignate the subject lands from "Utilities" to "Industrial" and to extend "Special Policy Area 11", and that the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth."

- (b) That Sub-section (b) of Section 7, be renumbered Section 7, and

- (c) That Sub-section (b)(iii) of Section 7, which reads as follows BE DELETED:

"That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 70 by the Regional Municipality of Hamilton-Wentworth."

City of Hamilton's
response - Draft
Provincial Housing
Policy Statement

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 January 25 respecting City of Hamilton's response - draft Provincial Housing Policy Statement.

Ms. J. Hickey of the Planning Department outlined the report.

General discussion ensued on this matter and Alderman Hinkley expressed concerns at the over intensification of neighbourhoods destroying stable single family home areas.

Alderman Christopherson indicated that he is opposed to recommendations (c) of the report which recommends allowing municipalities the flexibility of determining their own affordable housing targets instead of establishing a Provincial target of 25%. He also indicated that he would like to see neighbourhood plans have the same status as the Official Plans and also concurred with Alderman Hinkley's concerns that over intensification is destroying established single family neighbourhoods.

Alderman Christopherson also indicated that he wants to see the Province put money forward to encourage affordable housing and asked that a recommendation be included in the report to urge a review and increase of the maximum unit (M.U.P.) price on a regular basis.

Following general discussion on this matter, the Committee then approved the following recommendation:

- (a) That Hamilton City Council supports the objective of increasing the supply of affordable housing areas within the urban reality which includes Hamilton and surrounding municipalities.
- (b) That Hamilton City Council request the Provincial Government to review its existing policies and programs respecting the provision of affordable housing to develop a comprehensive housing strategy instead of introducing an additional policy which is aimed at only one aspect of the housing problem.
- (c) That in the absence of a comprehensive housing strategy, Hamilton City Council request the Provincial Government to revise its draft Housing Policy Statement as follows:
 - (i) to allow municipalities the flexibility to determine their own affordable housing targets instead of establishing a provincial target of 25%.
 - (ii) to allow municipalities the flexibility to approve development applications on an informal basis instead of including rigid development application approval targets in the Official Plan;
 - (iii) to ensure that the existing housing stock is considered in the Policy Statement given its importance in the provision of affordable housing;

- (iv) to ensure that legitimate planning and engineering concerns such as public participation, protection of the environment, and subdivision engineering standards are not dismissed in an attempt to provide affordable housing; and,
 - (v) to rename the Policy Statement to "Residential Land Use Policy Statement", which more accurately reflects its intended purpose.
- (d) That Hamilton City Council urge the Provincial Government to review all provincial housing policies, programs and initiatives respecting the provision of affordable housing with a view:
- (i) to addressing the issue of rent controls;
 - (ii) to providing low income households with shelter allowances, tax credits, etc.;
 - (iii) to reviewing Provincial legislation and practices regarding:
 - 1. lot levies;
 - 2. sale of Provincial lands at below market value; and,
 - 3. land speculation tax.
 - (iv) to providing financial aid to both private industry and the Region if expansion of services is to be considered;
 - (v) to developing a public education program in conjunction with the municipality to dispel public fears associated with affordable housing;
 - (vi) to decreasing the response time required for Provincial Ministries to respond to development applications; and,
 - (vii) to decreasing the time it takes to set Ontario Municipal Board hearing dates.
- (e) That Hamilton City Council strongly urge the Provincial Government to review and increase the Maximum Unit Price (M.U.P.) on a regular basis to a level that reflects the actual market costs of land and development.
- (f) That the City Clerk forward the entire Staff Report attached hereto and marked Appendix "A" and the recommendations thereto to the Ministry of Municipal Affairs and Housing, and the Association of Municipalities of Ontario (Urban Section) for consideration, and to the Regional Municipality of Hamilton-Wentworth for information.

NOTE: In 1988 September, the Province released the Draft Provincial Policy Statement. The objective of the Statement is to increase the supply of affordable housing by requesting municipalities to provide a favourable environment conducive to the construction of affordable units. This favourable environment may be achieved through amendments to the land use planning process.

The Province has requested each Municipality to provide comments on the draft Housing Policy Statement by 1989 February 28.

The Committee was in receipt of report from the Commissioner of Planning and Development dated 1989 January 25 respecting proposed land exchange between the Hamilton-Wentworth Roman Catholic Separate School Board and the City of Hamilton; Falkirk East Neighbourhood.

The Committee approved the following:

That the owners and tenants of the area of the land between the Hamilton-Wentworth Roman Catholic Separate School Board and the City of Hamilton (Falkirk East Neighbourhood) be invited to a public meeting of the Planning and Development Committee to discuss the proposed land exchange and consequent neighbourhood plan amendment.

Proposed land exchange between the Hamilton-Wentworth Roman Catholic Separate School Board and the City of Hamilton

IN-CAMERA

The Committee then moved IN-CAMERA to discuss a matter respecting the Sheraton Hotel of a private and confidential nature.

Zoning Applications

The Committee reconvened in the City Hall Council Chambers for the purpose of hearing zoning applications.

ZA88-73 -
17 Fairmount
Avenue

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 January 20 respecting zoning application 88-73 for property at 17 Fairmount Avenue. This application had been Tabled at a previous Committee meeting in order allow an opportunity for all parties concerned to review the application.

The Committee was in receipt of a letter of objection from Mr. E. J. Rowbottom, 57 Fairmount Avenue.

The Committee was in receipt of a letter of objection from Mr. Robert B. Munroe, 48 Undermount Avenue.

The Committee was in receipt of a letter of objection from Mr. & Mrs. Crossan, 70 Fairmount Avenue.

The Committee was in receipt of a letter of objection from Mr. & Mrs. Gage, 55 Undermount Avenue.

Mr. Gronan, 51 Undermount Avenue spoke to the Committee in objection to the zoning application and submitted a petition.

Mrs. Bruyan, 42 Fairmount Avenue spoke in opposition to the application and submitted a petition.

Mr. Crossan, 70 Fairmount Avenue spoke in opposition to the application and expressed concerns that the owner of the property had proceeded to convert the dwelling to a triplex illegally and their action should not be condoned.

Mr. Hutton, representative of the owner of property at 25 Fairmount Avenue, spoke in opposition to the application.

Mr. Chris Pratt, spoke on behalf of Mr. & Mrs. Vuurman, owners of the property at 17 Fairmount Avenue. Mr. Pratt outlined the history of the property and actions to date. He submitted a presentation with respect to this.

Alderman Kiss, Ward Alderman, spoke to the Committee with respect to this matter and following some discussion on this by the Committee, the following denial recommendation was approved:

That Zoning Application 88-73, Patrick and Linda Vuurman, owners, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to permit the conversion of the existing two family dwelling into a three family dwelling, for lands located at 17 Fairmount Avenue, as shown on the attached map marked as APPENDIX "B" be DENIED for the following reasons:

- (a) The proposal represents an intrusion of a 3 family dwelling into an area which is predominantly occupied by single-family dwellings;
- (b) Approval of the application would set an undesirable precedent for future similar applications in the surrounding area.
- (c) The parking layout is not acceptable, in that the required parking spaces would be stacked, whereas they should be free and unobstructed.

G.I. 88-G- rear of
25-31 Clinton
Street

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 November 21 respecting City initiative 88-G for property at the rear of 25 - 31 Clinton Street.

The Committee was in receipt of a letter of objection from Mr. Daniel Peace, Dominion Pattern Works, 178 Princess Street.

The Committee approved the following recommendation:

That APPROVAL be given to City Initiative 88-G, City of Hamilton, owner, for a change in zoning from "K" (Heavy Industrial) District to "D" (Urban Protected Residential - One and Two Family Dwellings; Townhouses, etc.) District, for property located at the rear of 25 to 31 Clinton Street, as shown on the attached map marked as APPENDIX "C", on the following basis:

- (a) That the subject lands be rezoned from "K" (Heavy Industrial) District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District.
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-32 for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (d) The Stipeley Neighbourhood Plan be amended by redesignating the subject lands from "Park and Recreational" to a "Single and Double" residential land use designation.

NOTE: The purpose of the By-law is to provide for a change in zoning from "K" (Heavy Industrial) District to "D" (Urban Protected Residential - One and Two Family Dwellings, townhouses etc.) District, of property located at the rear of 25 to 31 Clinton Street.

The effect of the By-law is to establish uniform "D" zoning of the properties at 25 to 31 Clinton Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 January 19 respecting zoning application 88-100 for property at 242 Jackson Street East.

Report of the circularization was given as follows:

436 Notices sent; 16 in favour, 4 opposed.

Ms. Gail Redbourne, owner of the property spoke to the Committee with respect to her application.

The staff recommendation was to DENY this recommendation for the following reasons:

- (a) It represents an intrusion of a purely commercial use into an area primarily occupied by residential uses, and as such, would set an undesirable precedent for future similar applications.
- (b) It is unlikely to generate a need for employee and customer parking which cannot be accommodated on the site, resulting in spillover effects onto Jackson Street East.
- (c) It would result in a loss of rental housing accommodation in the central area of the City; and
- (d) the approved Corktown Neighbourhood Plan designates the future use of lands within the block for "Medium Density Apartment" development as opposed to "Commercial" use as proposed by the applicant.

Following the presentation by the owner with respect to the reasons for denial recommended by staff, the Committee APPROVED the zoning application and directed staff to prepare the necessary approval recommendation for submission to City Council.

The Committee was in receipt of a recommendation from the Commissioner of Planning and Development dated 1989 January 24 respecting an amended zoning application 88-26 for property at 1780, 1790, 1796 and 1808 Main Street West.

ZA88-100 -
242 Jackson Street
East

Amended ZA88-26-
1780, 1790, 1796
and 1808 Main
Street West

The Committee was also in receipt of a letter of opposition to the zoning application from Lorne M. Chisholm, dated 1989 January 22.

The Committee approved the following:

That APPROVAL be given to amended Zoning Application 88-26, J.C. Leech - Porter, owner, requesting changes in zoning from the "C" (Urban Protected Residential, etc.) District to the "A" (Conservation, Open Space, Park and Recreation) District and "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified, to permit the development of a six storey, 143 unit retirement home, on lands located at 1780, 1790, 1796 and 1808 Main Street West, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "E", on the following basis:

- (a) That the amended By-law apply the holding provisions of Section 35(1) of The Planning Act R.S.O. 1983 to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until Plans have been approved under Section 40 of the Planning Act respecting Site Plan Control.

Removal of the holding provision shall be conditional upon the approval of Site Plans, including suitable grades between the rear of the building and the new proposed top-of-bank, and passage of an amending By-law once Site Plans have been approved.

- (b) That the lands shown as Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to the "A" (Conservation, Open Space, Park and Recreation) District;
- (c) That the lands shown as Block "2" be rezoned from the "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District;
- (d) That the "A" (Conservation, Open Space, Park and Recreation) District regulations as contained in Section 7 of Zoning By-law No. 6593 applicable to the lands shown as Block "1", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 7.(1)(ii) a golf course, playground, play lot and playfield shall be prohibited;
 - (ii) That Sections 7.(1)(iii), (iv) and (v), and 7.(1a) shall not apply.
- (e) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, applicable to the lands shown as Block "2", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 11.(1) a senior citizens multiple dwelling containing not more than 143 dwelling units shall also be permitted;
 - (ii) That notwithstanding Section 11.(1)(xi) a restaurant/dining room shall also be permitted only in conjunction with a senior citizens multiple dwelling, provided that all of the conditions under subclauses (a), (b) and (c) thereof are complied with;
 - (iii) That notwithstanding Section 11.(3)(i)(b) a minimum front yard of 4.0 m shall be required;
 - (iv) That notwithstanding Sections 11.(3)(ii)(b) and 11.(3)(iii)(b) no building or structure, except a fence, shall be erected less than 7.62 m from the boundary of Block "1" abutting Block "2", and no parking or loading area shall be located less than 1.5 m from the boundary of Block "1" abutting Block "2";

- (v) That notwithstanding Section 11.(3) a maximum floor area ratio factor of 1.85 shall be permitted, only for a senior citizens multiple dwelling;
 - (vi) That notwithstanding Table 1 of Section 18A a minimum of 76 parking spaces shall be required for a senior citizens multiple dwelling containing not more than 143 dwelling units;
 - (vii) That Section 18.(4)(iv) of By-law No. 6593 shall not apply;
 - (viii) That for the purposes of this By-law, a senior citizens multiple dwelling means a multiple dwelling within which all residents are at least 60 years of age or older.
- (f) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1113, and that the subject lands on Zoning District Maps W-50 and W-15 be notated S-1113;
 - (g) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-50 and W-51 for presentation to City Council;
 - (h) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area;
 - (i) That the approved Ainslie Wood West Neighbourhood Plan be amended by redesignating the lands shown as Block "2" to "Medium Density Apartments".

NOTE: The purpose of the By-law is to provide for changes in zoning for lands located at Nos. 1780, 1790, 1796 and 1808 Main Street West on the following basis:

- (a) Block 1 - Change in zoning from "C" (Urban Protected Residential, etc.) District to "A" (Conservation, Open Space, Park and Recreation) District.
- (b) Block 2 - Change in zoning from "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District.

The amending By-law applies the holding provisions (as denoted by the 'H' suffix) of Section 35 (1) of the Planning Act to the subject lands. These provisions will prohibit the development of the lands until Plans are approved under Site Plan Control. Once Site Plans are approved, City Council may remove the 'H' Symbol by passing an amending By-law.

The effect of the By-law is to permit the development of a 6 storey, 143 unit senior citizens multiple-dwelling (retirement home) with support services (e.g. dining room, library, lounge, etc.). In addition, the By-law provides for the following modifications as special provisions:

(a) Block "1"

- (i) To prohibit a golf course, playground, playfield, playlot, cemetery, mausoleum or columbarium, and a crematorium as permitted uses.

(b) Block "2"

- (i) To permit a senior citizens multiple dwelling (retirement home) containing not more than 143 dwelling units, provided that all residents are at least 60 years of age or older;
- (ii) To permit a restaurant/dining room in conjunction with a senior citizens multiple dwelling;

- (iii) To permit a minimum front yard depth of 4.0 m, whereas 7.5m is required;
- (iv) To permit a minimum rear yard depth of 7.62m, whereas 13.5 m is required
- (v) To permit a minimum side yard width of 7.62m, whereas 11.0m is required;
- (vi) To permit an accessory building (gazebo) in the side yard;
- (vii) To require a minimum of 76 parking spaces for the senior citizens multiple dwelling (retirement home), whereas 179 are required.
- (viii) To prohibit the location of any parking or loading area closer than 1.5m to the boundary of the "A" (Conservation, Open Space, Park and Recreation) District shown as Block "1".
- (ix) To prohibit the location of any building or structure, except a fence, closer than 7.62m to the boundary of the "A" (Conservation, Open Space, Park and Recreation) District shown as Block "1".

Amended ZA88-101-
282, 284, 288
Grays Road

The Committee was in receipt of a recommendation from the Commissioner of Planning and Development dated 1988 January 20 respecting an amended zoning application 88-101 for property at 282, 284, and 288 Grays Road.

Report of the circularization was given as follows:

138 Notices sent; 3 in favour, 13 opposed

The Committee was in receipt of a letter of objection from Mr. J. Yanchus, dated 1989 January 19.

The Committee was in receipt of a letter of objection from Mr. J. Stacey, 380 Celtic Drive, Stoney Creek.

The Committee was in receipt of a letter of objection from Dr. D. Nucciarone, 376 Celtic Drive, Stoney Creek.

The Committee was in receipt of a letter of objection from Mr. & Mrs. W. Kool, 378 Celtic Drive, Stoney Creek, dated 1988 January 23.

The Committee was in receipt of a letter of objection from Ms. Lois Pantalone, dated 1989 January 23.

Mrs. Kool, 378 Celtic Drive, Stoney Creek, spoke in opposition to the application. She also submitted a letter to the Secretary of the Committee requesting notification of council's adoption of the proposed official plan amendment as well as questioning how many days are allowed once the decision has been made.

Dr. Nucciarone, 376 Celtic Drive, Stoney Creek, spoke in opposition to the application.

The applicant for the property spoke in support of his application.

Councillor L. DiIanni, from Stoney Creek, spoke on behalf of the area and outlined some of its history. He expressed concern that approval of this application would be precedence setting and would have a negative impact on the surrounding lands.

The Committee discussed this matter and it was then agreed to approve the application as follows:

- (a) That APPROVAL be given to Official Plan Amendment No. 70, to redesignate the southerly portion of the subject lands from "Utilities" to "Commercial", and that the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That APPROVAL be given to amended Zoning Application 88-101, Tyka Investments Limited, owner, requesting a modification to the established "HH" (Restricted Community Shopping and Commercial) District to permit a 3 storey building having approximately 1,000m² of ground floor commercial space and 2 floors of residential development (16 apartments), for lands located at Nos. 282, 284, and 288 Grays Road, as shown on the attached map marked as APPENDIX "F" on the following basis:
 - (i) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following as special requirements:
 - (1) That notwithstanding Section 14A(1)(a) of By-law No. 6593 a 16 unit multiple dwelling shall be permitted, provided same is attached only to a commercial use(s) permitted under Section 15B(3)(b) of By-law No. 6593.
 - (2) That notwithstanding Section 14A(2) of By-law No. 6593 no building for the use specified in paragraph 1 shall exceed 3 storeys in height, and commercial uses shall only be permitted within the first storey.
 - (3) That notwithstanding Section 14A(3)(b) of By-law No. 6593 a southerly side yard having a width of at least 1.5m shall be provided and maintained for the use specified in paragraph 1.
 - (4) That notwithstanding Section 18A(17)(b) and Tables 3 and 4 of Section 18A of By-law No. 6593 only one loading space having a minimum size of 18.0m x 4.3m shall be required for the use specified in paragraph 1.
 - (5) That there shall be provided and maintained an amount of not less than 44% of the area of the lot as landscaped area, of which not less than 28% of the landscaped area shall be provided and maintained at grade, for the use specified in paragraph 1.
 - (6) That a minimum 1.5m wide planting strip shall be provided and maintained along the southerly side lot line and rear lot line for the use specified in paragraph 1.
 - (7) That a visual barrier not less than 1.2m in height and not greater than 2.0m in height shall be provided and maintained along the boundary of the rear lot line and southerly side lot line for the use specified in paragraph 1.
 - (8) No residential use shall be located except functionally completely separate from any commercial use, and except in such a manner as will completely segregate from any commercial use, pedestrian movement to and from any residential use.
 - (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1114, and that the subject lands on Zoning District Map E-123 be notated S-1114;

- (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6590 and Zoning District Map E-123 for presentation to City Council;
- (iv) The proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 70 by the Regional Municipality of Hamilton-Wentworth;
- (v) That the approved Riverdale East Neighbourhood Plan be amended by redesignating the subject lands to "Commercial and Apartments".

NOTE: The purpose of the By-law is to provide for a modification to the established "HH" (Restricted Community Shopping and Commercial) District for lands located at 282, 284, and 288 Grays Road.

The effect of the By-law is to permit the development of the subject lands for a 3 storey building having approximately 1,000 m² of ground floor commercial space, and residential dwelling units on the second and third floors (total of 16 units). Parking for 38 cars is to be provided on site. In addition, the By-law provides for the following variances as special requirements:

- (a) That only the commercial uses permitted in the "CR" (Commercial-Residential) District (Section 15B(3)(b)) shall be permitted in conjunction with the 16 dwelling units.
- (b) The maximum building height permitted is 3 storeys, whereas 4 storeys is normally allowed, and commercial uses will only be allowed in the first storey;
- (c) A minimum southerly side yard of 1.5m in width is to be provided and maintained;
- (d) One loading space having a minimum size of 18.0m x 3.7m x 4.3m is to be provided, whereas two loading spaces are required;
- (e) An amount of not less than 44% of the lot area is to be provided and maintained as landscaped area, of which not less than 28% of the landscaped area is to be provided and maintained at grade;
- (f) A minimum 1.5m wide planting strip is to be provided and maintained along the southerly side lot line and rear lot line;
- (g) A visual barrier not less than 1.2m in height and not greater than 2.0m in height is to be provided and maintained along the boundary of the rear lot line and southerly side lot line.
- (h) That access to the residential units is to be completely separate from the commercial uses.

A.P.A. Conference

The Director of Local Planning spoke to the Committee about an upcoming Planning conference and the Committee approved the following:

That the Chairman of the Planning and Development Committee, or his designate, be authorized to attend the American Planners Association National Planning Conference to take place on 1989 April 29 - May 3 in Atlanta, Georgia.

There being no further business, the meeting then adjourned.

Adjournment

Taken as read and approved,

Alderman J. Smith, Chairman
Planning and Development Committee

Susan K. Reeder
Secretary
1989 February 1

FOR ACTION

2.

REPORT TO: The Planning and Development Committee

FROM: P. Kuppe, Building Commissioner

DATE: February 8, 1989

COMM. FILE:

DEPT. FILE:

SUBJECT:

Demolition

RECOMMENDATION:

That the Building Commissioner be authorized to issue demolition permits for the following properties: -

- A. 101 Arbour Road
- B. 489 Cochrane Road
- C. 498 Cochrane Road
- D. 10 Herkimer Street



FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheets.

FOR ACTION

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director

DATE: 1989 February 8
COMM FILE:
DEPT FILE: 800-0014.04

SUBJECT: Locke Place (from Main Street West to Herkimer)
Business Improvement Area (B.I.A.); Request for
Designation pursuant to Section 217, the Municipal Act.

RECOMMENDATION:

- i) That, the request of the merchants in the proposed area for designation (hereinafter referred to as the Locke Place B.I.A.), to adopt a by-law designating a Business Improvement Area (B.I.A.) from 80 Locke Street South to 260 Locke Street South inclusive, and 281 Herkimer Street, as indicated on Schedule 'A' attached herewith, be approved; and,
- ii) That, the City Solicitor be hereby authorized and directed to prepare, and submit to City Council a by-law, pursuant to Sub-section (1), Section 217, the Municipal Act, R.S.O. 1980, designating Locke Street Association as a B.I.A. following the appropriate circularization procedures.

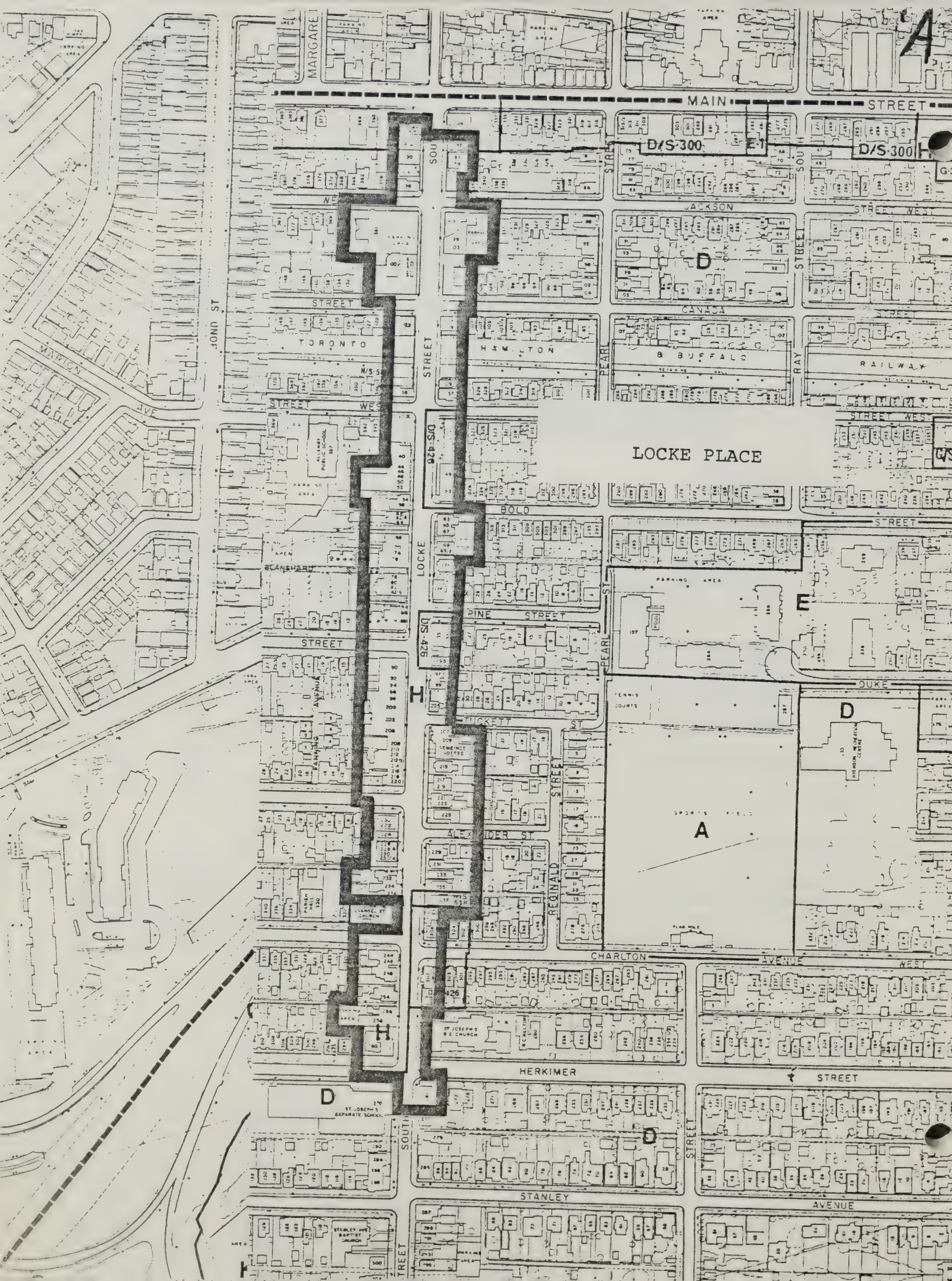
FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

The merchants of the area have had three meetings and strongly request designation. This is the third attempt to designate the area, but renewed confidence is evident as indicated in a B.I.A. Designation Request, initiated by the merchants (Schedule 'B'). To date, thirty-six (36) merchants have requested designation (Schedule 'C').

c.c. Mr. K. Rouff, City Solicitor
City Solicitor's Department
Mr. E. Simpson, City Clerk
City Clerk's Department



(B)

BIA DESIGNATION REQUEST

YES ... I wish to request the corporation of the City of Hamilton to begin the process of designating LOCKE PLACE (Locke Street South, from Main to Herkimer) as a BUSINESS IMPROVEMENT AREA (B.I.A.)!

I operate a business in the area described at _____ and I fully eligible to sign this request.

SAMPLE

NAME OF INDIVIDUAL(S): _____
NAME OF BUSINESS: _____
ADDRESS: _____
POSTAL CODE: 190 _____
SIGNATURE(S): LOP _____
TELEPHONE NO. 523-1113

C

LOCKE STREET SOUTH BUSINESS IMPROVEMENT AREA

MEMBERSHIP LIST

| <u>Address</u> | <u>Business/Owner's Name</u> |
|------------------|--|
| 82 Locke St. S. | Debbie's Men's Hairstyling Debbie McFarlane 572-1062 |
| 85 Locke St. S. | Madam T's Teresa Hanley 529-4340 |
| 140 Locke St. S. | Business name not given James Whitehall |
| 144 Locke St. S. | William's Barber Shop William Tschaikowsky 522-4285 |
| 146 Locke St. S. | May's Beauty Salon Donald S. Duckett 527-6476 |
| 158 Locke St. S. | York Service Centre John Nyitrai 524-0339 |
| 168 Locke St. S. | Kniuitrs T. V. & Appliances Nick Finelli 522-5028 |
| 176 Locke St. S. | J & F Hobbies John Buckle 528-5236 |
| 178 Locke St. S. | New York Bagel Cafe Trevor Cass 529-5818 |
| 180 Locke St. S. | Holmes Fine Foods John Kennedy Jane McKinnon 528-2803 |
| 184 Locke St. S. | Nina's House of Plants & Floral Designs Nina McDonald 572-6822 |

| | |
|------------------|---|
| 190 Locke St. S. | Michael Dismatsek Photography Michael Dismatsek 523-1113 |
| 192 Locke St. S. | Deck the Halls Connie Lee Jennifer Mackay 528-9488 |
| 196 Locke St. S. | Constituency Office Richard Allen 527-2556 |
| 198 Locke St. S. | Locke St. S. - Easy Laundry Ismail Adatia 528-1979 |
| 199 Locke St. S. | Carmela's House of Beauty Carmela Lamb 529-8587 |
| 200 Locke St. S. | Stevenson PR Home Ron Lott 522-0141 |
| 202 Locke St. S. | Kids Corner Ruth Embree 529-9902 |
| 205 Locke St. S. | P.S. Frillz Beatrice Destro 522-3227 |
| 206 Locke St. S. | Business Name not given Rob Russell Telephone no. not given |
| 212 Locke St. S. | Locksmith Technology (Loc-Tec) Dan and Janice Ormond 522-1900 |
| 216 Locke St. S. | Custom Tailor Vince De Simone Telephone no. not given |
| 218 Locke St. S. | The Fabric Solution Lori and Enio Mascherin 521-2730 |

| | |
|--------------------------------|---|
| 220 Locke St. S. | Mini Food Mart Stephen Arvay 527-4311 |
| 226 Locke St. S. | Shiva Flooring John T. McDonagh 523-1010 |
| 230 Locke St. S. | Agnes' Floral Creations and Gifts Agnes Simpson 528-4816 |
| 230 1/2 Locke St. S. | Mr. Tony's Men's Hair Design Business owner name not given 529-3806 |
| 237 Locke St. S. Suite #205 | Glenn E. Giddy Ontario Land Surveyor Glenn Giddy 528-4676 |
| 237 Locke St. S. Suite #305 | Regal Capital Planners Tracey M. Kanak Telephone no. not given |
| 237 Locke St. S. Suite #104 | Select Sign Ads Limited Sydney A. Cook 522-3990 |
| 237 Locke St. S. Suite #110 | H.A.S. Novelties Enio Mascherin Catherine Andrus 529-6485 |
| 237 Locke St. S. Suite #108 | Sun Castle Development Corporation Herb Adams 529-3606 |
| 256 Locke St. S. | Hannaford's Smoke Shop and Lottery Centre Robert Paglia 572-7181 |
| 258 Locke St. S. | J. Paglia Grocery Julius Paglia 522-4505 |

FOR ACTION

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director

DATE: 1989 February 8
COMM FILE:
DEPT FILE:800-0014.17

SUBJECT: Main Street West (from Locke Street to Queen Street);
Business Improvement Area (B.I.A.) Request for
Designation pursuant to Section 217, the Municipal Act.

RECOMMENDATION:

- i) That, the request of the Main Street West Business Association to adopt a by-law designating a Business Improvement Area on Main Street West, generally from Locke to Queen Streets as indicated on Schedule 'A' attached herewith, be approved; and,
- ii) That, the City Solicitor be hereby authorized and directed to prepare, and submit to City Council a by-law pursuant to Sub-section (1), Section 217, the Municipal Act, R.S.O. 1980, following the appropriate circularization procedures.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

BACKGROUND:

On 1988 March 30, Planning and Development Committee reviewed a presentation made by the Planning and Development Department regarding opportunities for improvement to Main Street West from Highway #403 to Queen Street. This report contained a recommendation that the Department of Community Development meet with the business merchants in an attempt to facilitate the designation of a Business Improvement Area. --

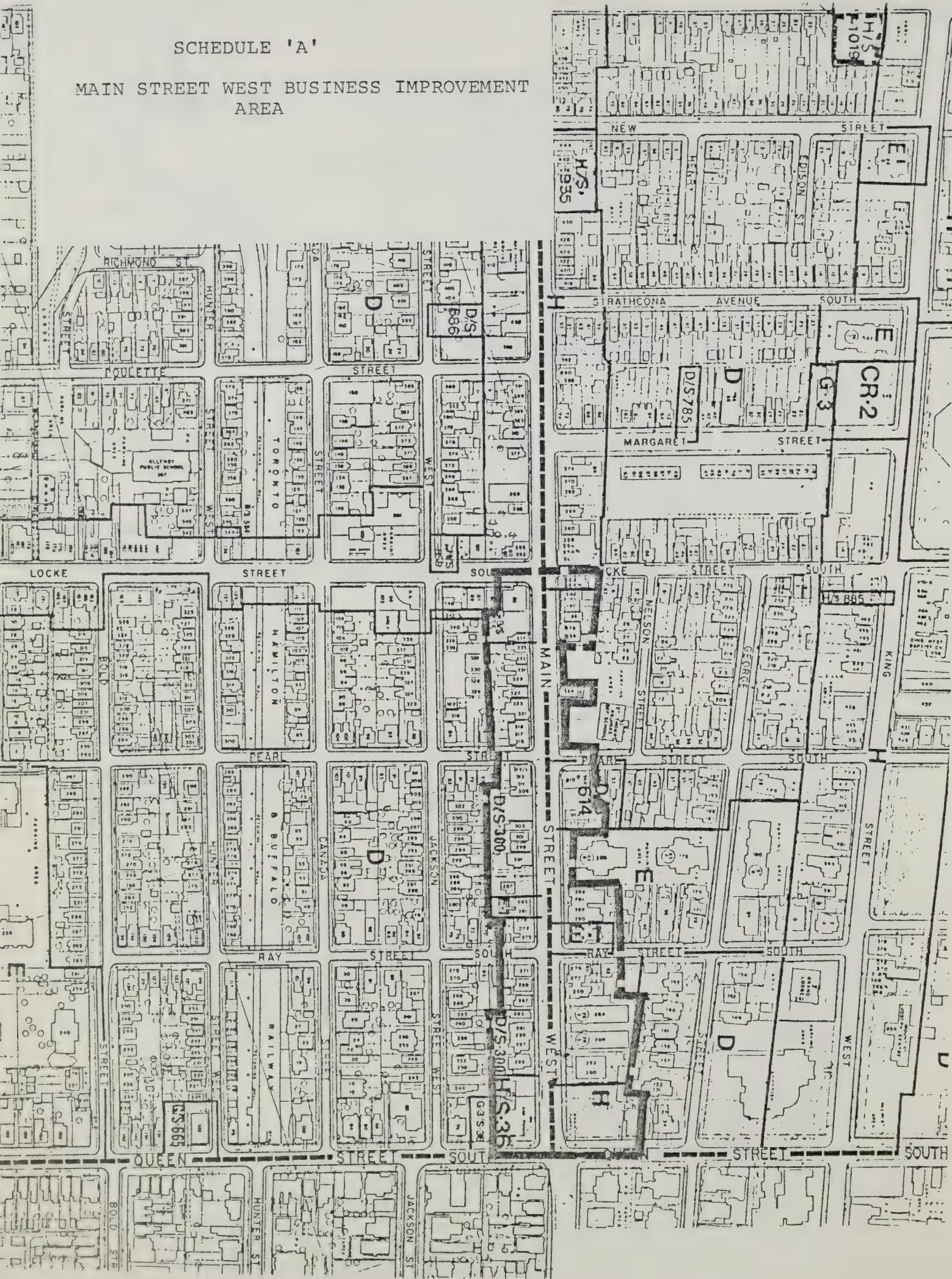
Alderman Cooke and Alderman Kiss, in conjunction with Community Development, have been assisting the Main Street West Business Association in their efforts to investigate the possibility of establishing a B.I.A. It would appear through signed, documented requests, that there is sufficient support for the establishment of a B.I.A.

Also attached as Schedules 'B' and 'C' is the letter of request from the business merchants and the petition.

c.c. Mr. K. Rouff, City Solicitor
City Solicitor's Department
Mr. E. Simpson, City Clerk
City Clerk's Department

SCHEDULE 'A'

MAIN STREET WEST BUSINESS IMPROVEMENT
AREA





Calla Decor & Design

Jan 25/89
 866-2014-4
 936 22

84 12/11

January 24th, 1989.

Dear Mr. Ed Kowalskis,

We, the business owners of Main St. West, (Locke to Queen St.), wish to form a recognized B.I.A. committee.

Attached you will find signatures acquired by us in support of the commitment we are pledging. Looking forward to hear from you soon.

Sincerely yours.

Maria Farrugia
 Maria Farrugia, I.D.

Maria Farrugia
 MARIA FARRUGIA

CALLA DECOR & DESIGN INC.

Robert Juliusson
 ROBERT JULIUSSON
 VOGUE PROMOTIONS.

BIA

SCHEDULE 'C'

DESIGNATION REQUEST

WE, THE UNDERSIGNED, REQUEST THE CORPORATION OF THE CITY
OF HAMILTON TO BEGIN THE PROCESS OF DESIGNATING:

Main st W from Dundurn to
Queen st "Locke"

AS A BUSINESS IMPROVEMENT AREA (B.I.A.). IT HAS BEEN
EXPLAINED TO US WHAT A B.I.A. IS, AND UNDERSTAND THAT
AN ANNUAL LEVY, BASED ON REALITY ASSESSMENT VALUES,
WOULD APPLY TO EACH COMMERCIAL ESTABLISHMENT SHOULD THE
DESIGNATION BE APPROVED.

PLEASE NOTE: TO BE ELIGIBLE TO SIGN THIS REQUEST, ONE
MUST OPERATE A BUSINESS IN THE AREA
DESCRIBED ABOVE (MAP ATTACHED).

| BUSINESS | ADDRESS | SIGNATURE |
|---|----------------------|-------------|
| Lydell Beauty Clinic | 267 Main St W. | [Signature] |
| CALLA DECOR + DESIGN INC. | 271 MAIN ST. WEST | [Signature] |
| Vogue Promotions INC. | 271 MAIN ST. WEST | [Signature] |
| Dermatol Systems | 279 Main St West | [Signature] |
| E.M.H. ELECTROLYSIS | 297 Main St W. | [Signature] |
| The Body Beautiful | 299 Main St W. | [Signature] |
| The Main Street Cafe | 344 Main St W | [Signature] |
| Floury + Rindler Ltd | 276 Main St West | [Signature] |
| Hillhead Estate Agency | 54 Queen St. S. | [Signature] |
| Hearing Clinic | 303 Main St | [Signature] |
| ARCANUM BOOKS | 331 MAIN ST WEST | [Signature] |
| BIRNARD + SPECIALE DESIGN | 315 MAIN ST. W. | [Signature] |
| Dr. P. Katz ^{FAMILY} Physician | 255 main St W | [Signature] |
| Harvey Sobel, A.R.T.D.O., A.S.T.D. | 283 Main Street West | [Signature] |
| | | |
| | | |
| | | |

F O R A C T I O N

5.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director

DATE: 1989 February 06

DEPT FILE: FACADE 58

SUBJECT: Commercial Facade Loan Programme -
489 Concession Street, Hamilton.

RECOMMENDATION:

That a repayable loan, in the amount of fifteen thousand dollars (\$15,000.) be approved for Daniel R. Logan and Lauchlin D. Cameron, 489 Concession Street. The interest rate will be 6 percent, amortized over 10 years.

E. Kowalski

FINANCIAL IMPLICATIONS (IF NONE, N/A)

N/A

BACKGROUND

The owners of 489 Concession Street have applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property, as per the Property Standards By-law 74-74, and the necessary repairs have been included.

The Concession Street Business Improvement Area has reviewed the plans and approved the work which is to be undertaken by the owners.

The Department of Community Development therefore recommends the approval of a Commercial Facade Loan to Daniel R. Logan and Lauchlin D. Cameron for improvements to 489 Concession Street in the amount of \$15,000. The loan will be amortized over a 10 year period at 6 percent interest. The monthly payments will be \$166.53, and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

F O R A C T I O N

6a.

REPORT TO: MS. S. REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER,
COMMISSIONER OF ENGINEERING

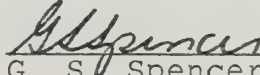
DATE: 1989 January 27
COMM FILE:
DEPT FILE: S720-25

SUBJECT:

"TEMPLEMEAD No. 2 Survey - Phase 6", Hamilton
(Cash payment in lieu of 5% Parkland Dedication)

RECOMMENDATION

That the City of Hamilton accept the sum of \$9,990.00 as cash payment in lieu of 5% dedication in connection with "Templemead No. 2 Survey - Phase 6", Hamilton, this being the cash requirement under Section 50 of the Planning Act.


G. S. Spencer
Commissioner of Engineering

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

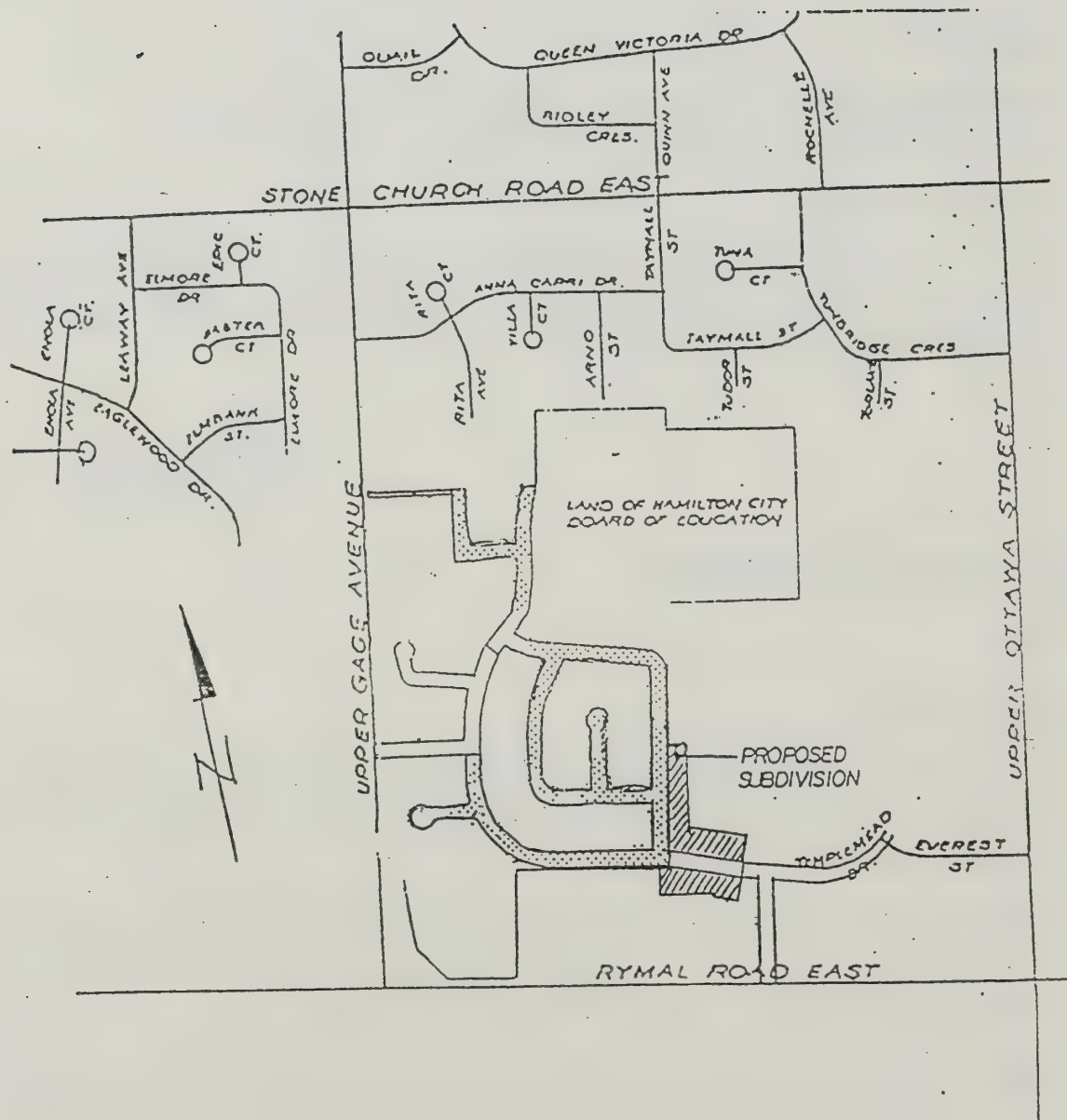
The owner of the lands for the above referenced subdivision will be executing a Subdivision Agreement with City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedure, the City and Regional staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$9,990.00.

NOTE: These lands are located west of Upper Ottawa Street and north of Rymal Road in the Templemead Neighbourhood.

CAU:jd
6 Attach.

cc: D. J. Consoli, City Treasury Department



KEY PLAN

N.T.S.

F O R A C T I O N

66.

REPORT TO: S. REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER
 COMMISSIONER OF ENGINEERING

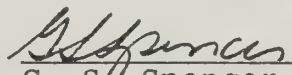
DATE: 1989 February 01
COMM FILE:
DEPT FILE: S708-48
I.D. 0246D(32)

SUBJECT

Cash Payment in Lieu of 5% Parkland Dedication

RECOMMENDATION

- (a) That the Corporation of the City of Hamilton accept the sum of \$6,560.00 as cash payment in lieu of 5% dedication in connection with "CLERICO COURT", Hamilton, this being the cash requirement under Section 50 of The Planning Act.



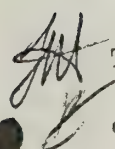
G. S. Spencer
Commissioner of Engineering

BACKGROUND

The owners of the lands for the above-referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedures, the City and Regional staff have completed the calculations for the 5% cash payment in lieu of Parkland dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$6,560.00.

NOTE: These lands are located west of Mount Albion Road on the south side of Hixon Road in the Red Hill Neighbourhood, Hamilton.

 TLH: cab.

c.c. D. J. Consoli, Treasury Department
 B. Loreto, City Solicitor's Office

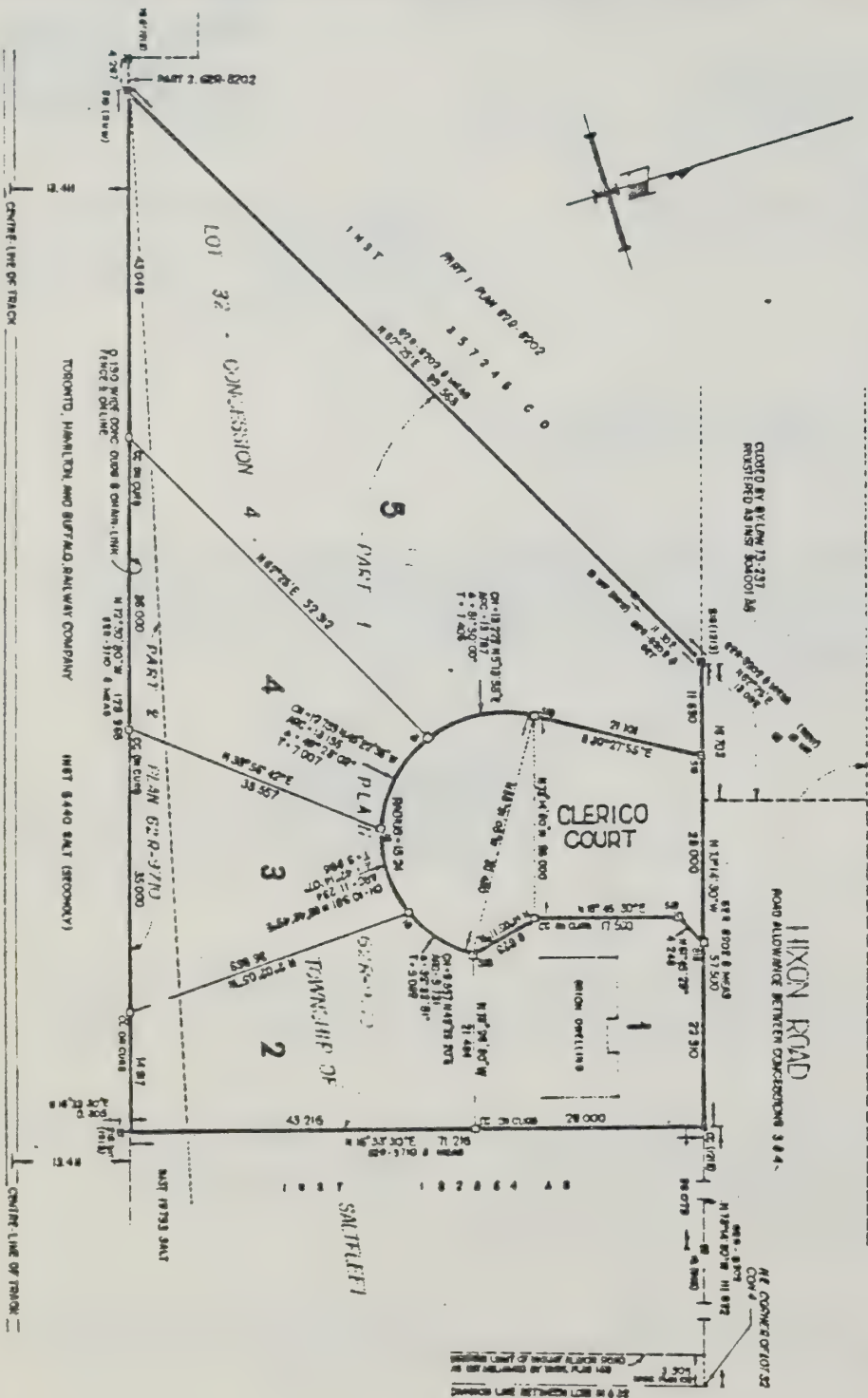
PLAN OF

CLERICO COURT

BEING A SUBDIVISION OF
PART OF LOT 32 CONCESSION 4
IN THE TOWNSHIP OF SALTLEET
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:500
J. DAVID PETERSON O.A.S.
1988

| LOT | M ² |
|-----|----------------|
| 1 | 706.5 |
| 2 | 916.7 |
| 3 | 741.4 |
| 4 | 687.3 |
| 5 | 2455.4 |



METRO:
DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND HAVE BEEN
CONVERTED TO FEET BY DIVIDING BY 0.3048.

PLAN 62 M-

1. CERTIFY THAT THIS PLAN, 62 M-
IS REGISTERED IN THE LAND REGISTRY OFFICE
FOR THE LAND TITLES DIVISION OF WENTWORTH
AT _____ O'CLOCK ON THE _____ DAY OF _____ 1988
AND ENTERED IN THE REGISTER FOR
PROCESSES
AND PREPARED CONVEYANCE AND AFFIDAVITS ARE
REGISTERED AS PLAN DOCUMENT
NO. _____

THIS PLAN COMPLIES WITH THE REQUIREMENTS OF THE
LAND REGISTRY ACT AND THE LAND TITLES ACT AND IS
SUBMITTED TO THE LAND REGISTRY OFFICE FOR
RECORDING AND REGISTRATION.
APPROVED UNDER SECTION 50 OF THE PLANNING ACT
BY THE COUNCIL OF THE REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH
THIS _____ DAY OF _____ 1988

SUPERVISOR'S CERTIFICATE
I, _____, SUPERVISOR OF THE CITY OF HAMILTON, DO HEREBY
CERTIFY THAT THIS PLAN, 62 M-, IS IN ACCORDANCE WITH THE
PLANNING ACT AND THE ZONING BY-LAW AND THAT THE
SUBDIVISION OF THE LAND SHOWN THEREON IS IN ACCORDANCE
WITH THE REQUIREMENTS OF THE PLANNING ACT AND THE ZONING
BY-LAW.
DATED AT HAMILTON, ONTARIO, _____ DAY OF _____ 1988
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND
THE SEAL OF THE CITY OF HAMILTON.

CITY CLERK

OWNER'S CERTIFICATE
I, _____, OWNER OF THE LAND SHOWN ON THIS PLAN, DO HEREBY
CERTIFY THAT THE LAND SHOWN ON THIS PLAN IS MY OWN AND
THAT I HAVE NO OTHER INTEREST IN THE LAND.
I HEREBY AUTHORIZE THE SURVEYOR TO MAKE ANY NECESSARY
CORRECTIONS TO THIS PLAN.
DATED AT HAMILTON, ONTARIO, _____ DAY OF _____ 1988
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND
THE SEAL OF THE CITY OF HAMILTON.

OWNER

NOTES:
1. THE SURVEYOR HAS FOUND THAT THE BOUNDARIES OF THE LAND
SHOWN ON THIS PLAN ARE IN ACCORDANCE WITH THE REQUIREMENTS
OF THE PLANNING ACT AND THE ZONING BY-LAW.
2. THE SURVEYOR HAS FOUND THAT THE BOUNDARIES OF THE LAND
SHOWN ON THIS PLAN ARE IN ACCORDANCE WITH THE REQUIREMENTS
OF THE PLANNING ACT AND THE ZONING BY-LAW.
3. THE SURVEYOR HAS FOUND THAT THE BOUNDARIES OF THE LAND
SHOWN ON THIS PLAN ARE IN ACCORDANCE WITH THE REQUIREMENTS
OF THE PLANNING ACT AND THE ZONING BY-LAW.
4. THE SURVEYOR HAS FOUND THAT THE BOUNDARIES OF THE LAND
SHOWN ON THIS PLAN ARE IN ACCORDANCE WITH THE REQUIREMENTS
OF THE PLANNING ACT AND THE ZONING BY-LAW.
5. THE SURVEYOR HAS FOUND THAT THE BOUNDARIES OF THE LAND
SHOWN ON THIS PLAN ARE IN ACCORDANCE WITH THE REQUIREMENTS
OF THE PLANNING ACT AND THE ZONING BY-LAW.

MACKAY, MACKAY & PETERSON LIMITED
20 HURON ST. E.
HAMILTON, ONTARIO
Y-20445-B

FOR ACTION

REPORT TO: MS. S. REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER,
COMMISSIONER OF ENGINEERING

DATE: 1989 February
COMM FILE:
DEPT FILE: S726-77
ID#1483D(27)

SUBJECT:

Modified Subdivision Agreement - 203 Rymal Road West, Hamilton
Parts 3, 4, 5, 6, 7 and 8 on Plan 62R-9720
(5% Parkland Dedication)

RECOMMENDATION

1. That the City Modified Subdivision Agreement for 203 Rymal Road West be ammended to allow the acceptance of a 5% land dedication as the 5% Parkland Dedication requirement in lieu of the 5% cash payment originally paid.
2. That the City Treasurer be authorized and directed to reimburse the owner, Shedaco Holdings Limited in the amount of \$10,500.00, the amount originally paid in cash for the 5% Parkland Dedication requirement.



G. S. Spencer
Commissioner of Engineering

FINANCIAL IMPLICATIONS

The City is being asked to refund the owner \$10,500.00, being an interim payment, subject to future land dedication for park purposes. Staff believes that the proposed land dedication is of more benefit to the City.

BACKGROUND

In July of 1988, staff agreed to accept the sum of \$10,500.00 as the 5% Parkland Dedication requirement for the subject development, with the intention of refunding this once final approval had been obtained for another development within the same neighbourhood owned by the same owner, and known as Abbey Hill Farm - Phase 1.

The cash amount was accepted on a temporary basis in order not to hold up the subject development.

Cont'd...

-Page 2-
February 8, 1989

M.S.A. - 203 Rymal Road West, Hamilton
Parts 3, 4, 5, 6, 7 and 8 on Plan 62R-9720
(5% Parkland Dedication)

Cont'd...

Under the City Subdivision Agreement for Abbey Hill Farm - Phase 1, the owner dedicated a Block of land, Block 46, totalling 8,895.50m² for Parkland purposes. The 5% requirement for that development was 3,248.88m².

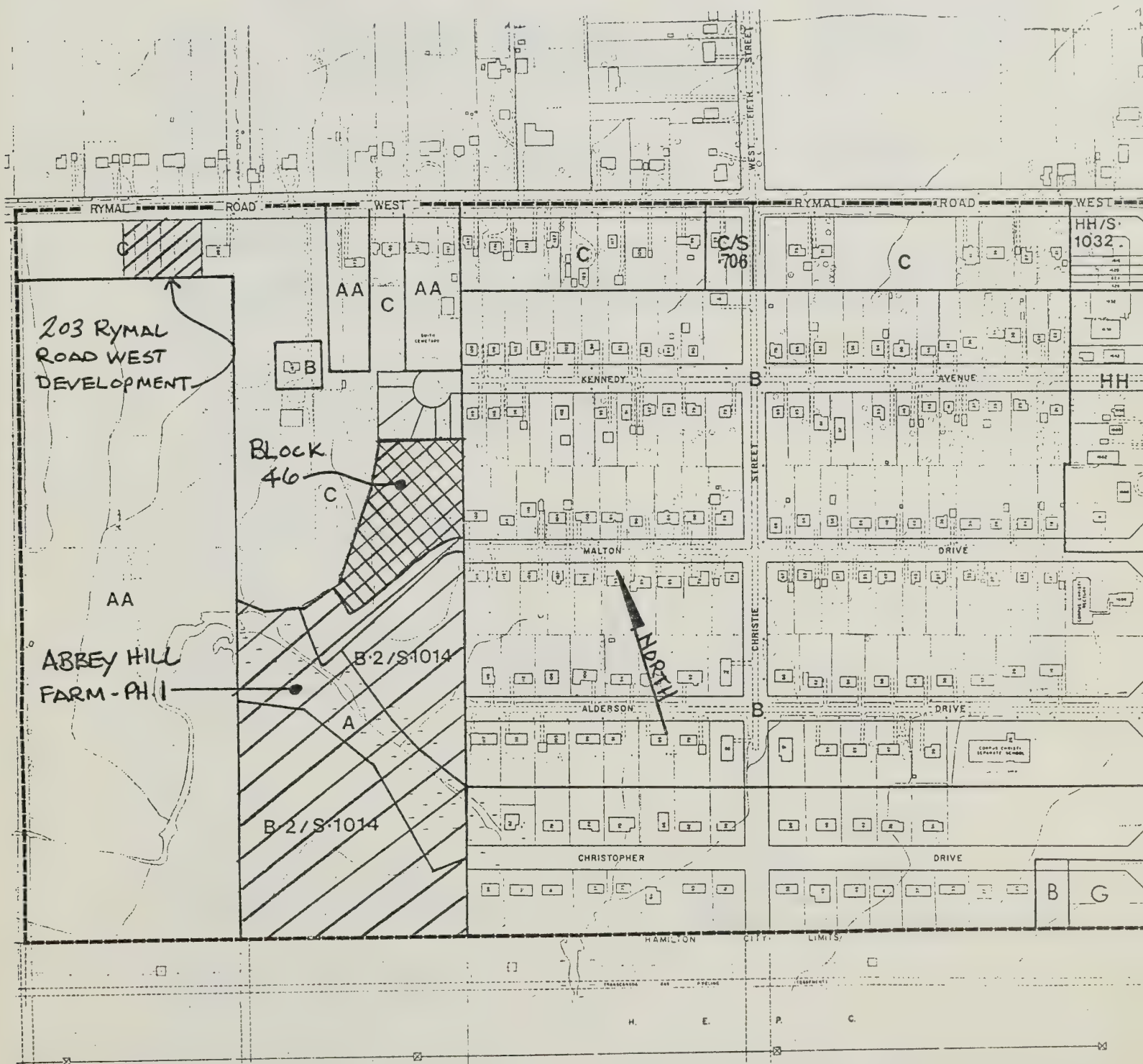
The 5% requirement for the subject development is 140.50m². After deducting this from the remaining balance, the new Parkland Credit Balance will be 5,506.15m² which may be used by this owner in the same neighbourhood for future developments.

NOTE: These lands are located west of Upper James Street and south of Rymal Road in the Kennedy East Neighbourhood.

all CAU:jd
Attach.

cc: D. Consoli, City Treasury
R. Buckle, City Real Estate

KEY MAP
N.T.S



FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 February 8
COMM FILE:
DEPT. FILE: ZA-88-17

SUBJECT:

Amendment to the resolution respecting Council - No. 373 Bruswick.

RECOMMENDATION

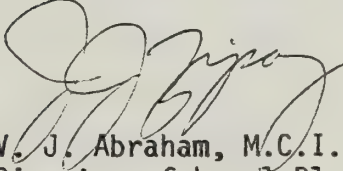
That Section 8 of the Twenty Second Report for 1988 of the Planning and Development Committee be amended by deleting Subsection (b) which reads as follows:

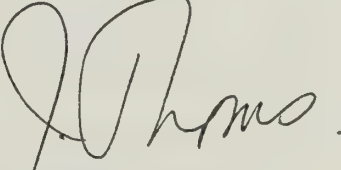
"That the By-law not be forwarded to City Council for passage until the applicant has received final approval of a land severance through Regional Land Division Committee.

EXPLANATORY NOTE

On November 8, 1988, City Council approved a modification to "C" District zoning to permit the severance of the subject lands for 2 single family dwellings.

The applicant has received approval from the Land Division Committee for the severance but the conditions of the severance cannot be executed until the lands have been rezoned. Accordingly, the condition, as set out in Subsection (b), has been fulfilled to the satisfaction of the Planning and Development Department.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

JH/ma
WP0144P

10.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 January 17
COMM FILE:
DEPT. FILE: ZA-87-92

SUBJECT:

Request for a change in zoning from "C" (Urban Protected Residential, etc.) District to "D" (Residential - One and Two Family) District - No. 318 Lockheed Drive and No. 742 Upper Kenilworth Avenue.

RECOMMENDATION

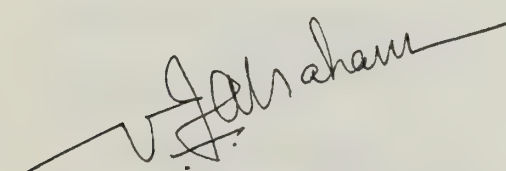
That approval be given to Zoning Application 87-92, S. Wise Construction Limited, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "D" (Residential - One and Two Family) District, for property at No. 318 Lockheed Drive and No. 742 Upper Kenilworth Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

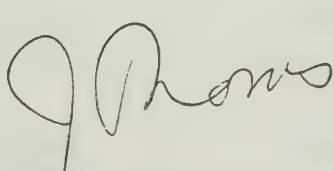
- i) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District, to "D" (Residential - One and Two Family) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E59A for presentation to City Council;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "D" (Residential - One and Two Family) District, for property located at No. 318 Lockheed Drive and No. 742 Upper Kenilworth Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit development of the subject lands in conjunction with lands located northerly for a semi-detached dwelling.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

It is the applicant's intention to rezone the subject lands from "C" (Urban Protected Residential, etc.) District to "D" (Residential - One and Two Family) District and to develop the subject lands in conjunction with lot 11 and lot 12 as a semi-detached dwelling.

APPLICANT

S. Wise Construction Limited, owner.

LOT SIZE AND AREA

- o 2.74 m (8.99 ft.) of lot frontage on Lockheed Drive.
- o 2.74 m (8.99 ft.) of lot frontage on Upper Kenilworth Avenue.
- o 167.03 m² (1797.96 sq.ft.) of lot area.

LAND USE AND AREA

| | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|--------------------------|----------------------------|--|
| <u>SUBJECT LANDS</u> | Vacant | "C" (Urban Protected Residential, etc.) District |
| <u>SURROUNDING LANDS</u> | | |
| to the north | Vacant | "D/S-548" (Residential - One and Two Family) District, modified and "D/S-451 (Residential - One and Two Family) District, modified |
| to the south | Single-family dwelling | "C" (Urban Protected Residential, etc.) District |
| to the east | Public open space and park | "A" (Conservation, Open Space, Park and Recreation) District |
| to the west | Single-family dwelling | "C" (Urban Protected Residential, etc.) District |

OFFICIAL PLAN

Designated "RESIDENTIAL", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "SINGLE AND DOUBLE" on the approved Lisgar Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

o The following agencies have no comment or objection:

- LACAC;
- Hamilton Region Conservation Authority
- Traffic Department
- Building Department

o The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains as well as separate storm and sanitary sewers are available to service the subject lands".

"We do not anticipate any further road allowances at this time."

"Any work within the adjacent road allowances, as widened, must conform to the City of Hamilton Streets By-law".

COMMENTS

1. The proposal complies with the Official Plan.

2. The proposal has merit and can be supported for the following reasons:

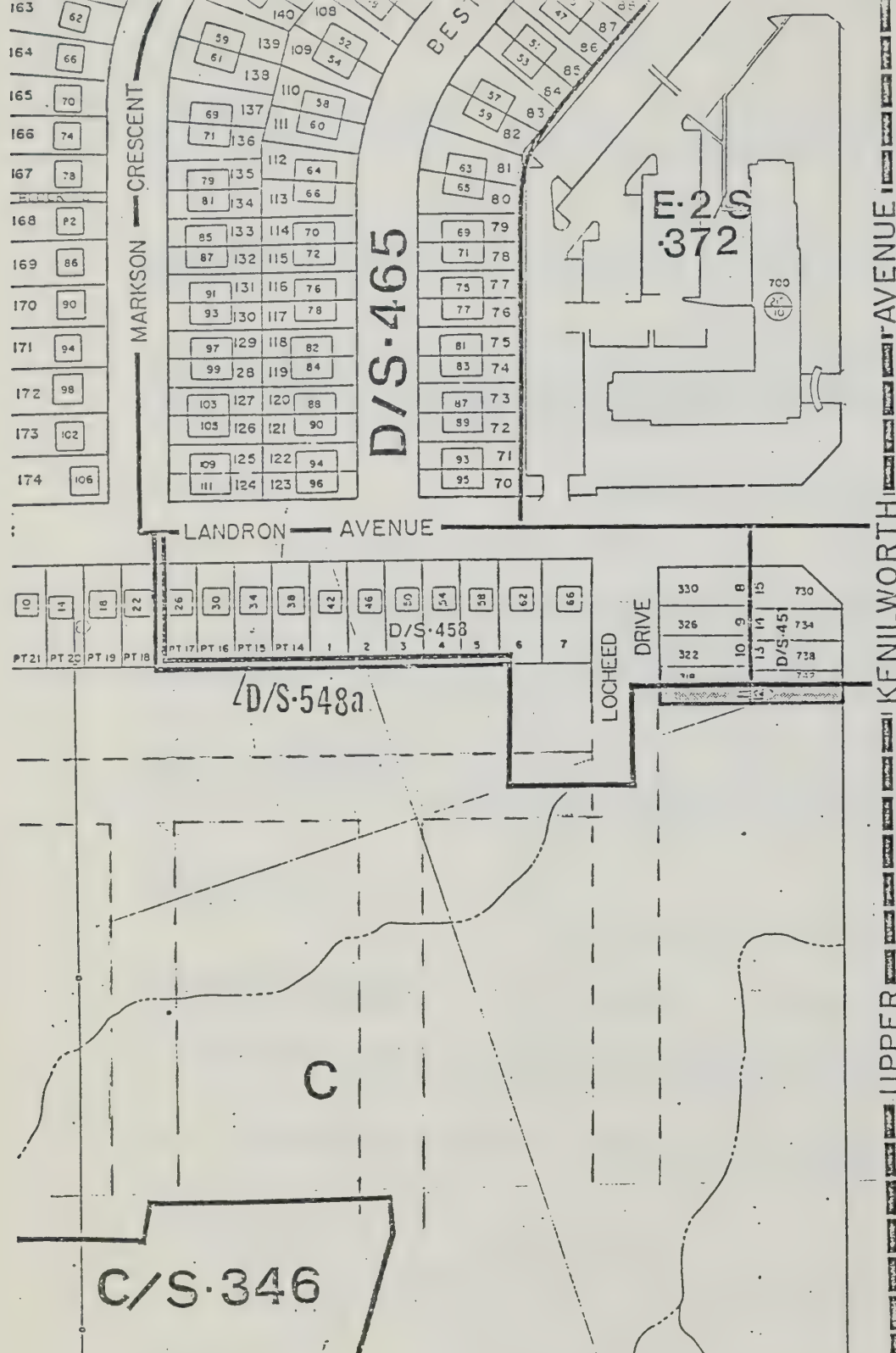
- o the proposed semi-detached dwelling would be compatible with any existing or proposed residential development in the area;
- o the proposal would not interfere with the orderly development of the approved Lisgar Neighbourhood Plan;

CONCLUSION

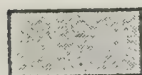
On the basis of the foregoing, the proposal can be supported.

MS/ma

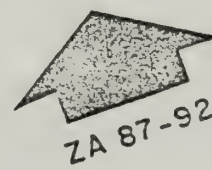
WP0372P



LEGEND



SITE OF THE APPLICATION



F O R A C T I O N

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

12-
DATE: 1989 February 06
COMM FILE:
DEPT. FILE: ZA-88-96
 Templemead

Neighbourhood

SUBJECT:

Request for a change in zoning - No. 987 Rymal Road East.

RECOMMENDATION

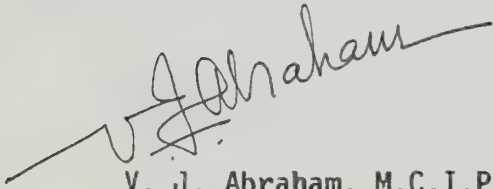
That approval be given to amended Zoning Application 88-96, Joseph Venditti, prospective owner, requesting a change in zoning from "L-c" (Planned Development - Commercial) District to "HH" (Restricted Community Shopping and Commercial) District to permit the construction of a two storey commercial office building having a total gross floor area of approximately 1,755 m² (18,900 sq.ft.), for property located at No. 987 Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from the "L-c" (Planned Development - Commercial) District to the "HH" (Restricted Community Shopping and Commercial) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-49D and E-49E for presentation to City Council;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

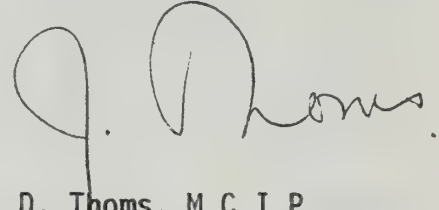
EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from the "L-c" (Planned Development - Commercial) District to the "HH" (Restricted Community Shopping and Commercial) District, for lands located at No. 987 Rymal Road East, as shown on the attached key map.

The effect of the By-law is to permit the demolition of the existing dwelling, and the construction of a 2 storey general office building having a total gross floor area of approximately 1,755 m² (18,900 sq.ft.).



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

● Proposed Development

The applicant has requested a change in zoning from the "L-c" (Planned Development - Commercial) District to the "HH" (Restricted Community Shopping and Commercial) District, to permit the development of a 2 storey commercial office building having a total gross floor area of approximately 1,755 m² (18,900 sq.ft.).

APPLICANT

Joseph Venditti, prospective owner.

LOT SIZE AND AREA

The subject property has approximately:

- 30.48 m (100 feet) of frontage on Rymal Road East; and,
- 2,907 m² (31,300 sq.ft.) of lot area.

LAND USE AND ZONING

| | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|----------------------|--------------------------|---|
| <u>SUBJECT LANDS</u> | Single-family dwelling | "L-c" (Planned Development - Commercial) District |

SURROUNDING LANDS

| | | |
|--------------|-----------------------------|---|
| to the north | Vacant | "R-4" (Small Lot Single-Family Detached) District |
| to the south | Residential and Vacant | "AA" (Agricultural) District and "E-2" (Multiple Dwellings) District |
| to the east | Commercial (Rockland Plaza) | "HH" (Restricted Community Shopping and Commercial) District |
| to the west | Vacant and Comercial | "HH" (Restricted Community Shopping and Commercial) District modified and "HH" District |

OFFICIAL PLAN

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept of the Official Plan. The proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "COMMERCIAL" on the approved Templemead Neighbourhood Plan. The proposal complies.

RESULTS OF CIRCULARIZATION

- The following agencies have no comment of objection:
 - Hamilton Region Conservation Authority;
 - LACAC.
- The Traffic Department has advised as follows:

"...we have reviewed the above-noted application and find it satisfactory, however, we strongly suggest that the applicant consider development of this property in conjunction with adjacent properties to allow for a comprehensive development sharing access and parking facilities."
- The Building Department has advised as follows:

"1. Provided the building is used for General Offices, the minimum required parking spaces is 43 and one loading space, 3.7 m x 9.0 m x 4.3 m. NOTE: If any portion of the building floor area is used for medical offices, the minimum number of parking spaces will change."

2. The loading space is located in the access driveway and manoeuvring space for the parking spaces which obstructs the access to and egress from the parking spaces (Section 18A.(22) & (23)).
3. A residential district adjoins the rear lot line and a portion of the easterly lot line. Therefore, the parking area and loading space shall be not less than 1.5 m from the residential district and the area shall be landscaped with a planting strip (Section 18A(11) & (12)).
4. The edge of the business identification sign shall be 3.0 m from the front lot line and the bottom of the sign shall be 3.0 m from the ground. The total area of this sign shall not be more than 10.16 m². (Section 14A.(3)(a)).
5. The access driveway along the easterly side lot line shall be at least 6.0 m wide (Section 14A.(3)(b)).
6. A visual barrier is required along the rear lot line and the portion of the easterly lot line that adjoins the residential district not less than 1.2 m and not greater than 2.0 m in height (Section 18A.(12)(c))."

- The Hamilton-Wentworth Department of Engineering has advised as follows:

"Please be advised that public watermains and separate storm and sanitary sewers are available to service the subject lands.

We recommend, as a condition of approval, that sufficient lands be dedicated to the Region to establish the property line 18.29 m (60 feet) from the centreline of construction on Rymal Road, as shown on Miscellaneous Plan No. 770 (P-1944-23). This road widening is approximately 3.048 m (10 feet) in width.

Any work within the Rymal Road road allowance must conform to the Region's Roads Use By-Law.

The access grade, taken from the elevation and location of the ultimate curb line to the property line as widened, should not exceed 3%.

As this section of Rymal Road is constructed to a rural cross section, the applicant should contact the City Public Works Department to determine the dimensions of culvert pipe required. The length should be sufficient to accommodate service vehicles.

Any roadway improvements required, including those due to increased traffic generation, will be at the expense of the owner."

COMMENTS

1. The proposal complies with the Official Plan and the approved Templemead Neighbourhood Plan.

2. The subject lands are currently zoned "L-c" (Planned Development - Commercial) District, which is an interim/holding zoning indicating that the future intended use is commercial. Development may proceed only by way of a Zoning By-law Amendment from the "L-c" District to an appropriate commercial zone. The requested "HH" District zoning is one of the designated commercial districts to which the "L-c" District may be converted.

In addition, the proposal merits consideration for the following reasons:

- it implements the intent of the Official Plan and the approved Templemead Neighbourhood Plan which designate the subject lands for "COMMERCIAL" use;
 - it would be compatible with existing and future intended uses in the surrounding area. In this regard, all the lands between Rockland Avenue and Upper Gage Avenue fronting on the north side of Rymal Road East are zoned commercial;
 - it is suitably located on a major arterial road (Rymal Road East).
3. On the basis of a preliminary concept plan, the Building Department has advised that several variances would be required, including:
 - location of the loading space;
 - provision of a planting strip and visual barrier along the rear lot line and the portion of the easterly lot line that adjoins a residential district;
 - business sign location.

Considering the size of the property, these are site design features which could be accommodated under a revised plan. In addition, there is no supporting documentation to justify such variances. Accordingly, no variances should be granted at this time.

4. If approved, the proposal would be subject to By-law 79-275 respecting Site Plan Control, thereby allowing for the review of access, parking, etc. by the Planning and Development Committee prior to the issuance of a Building Permit.

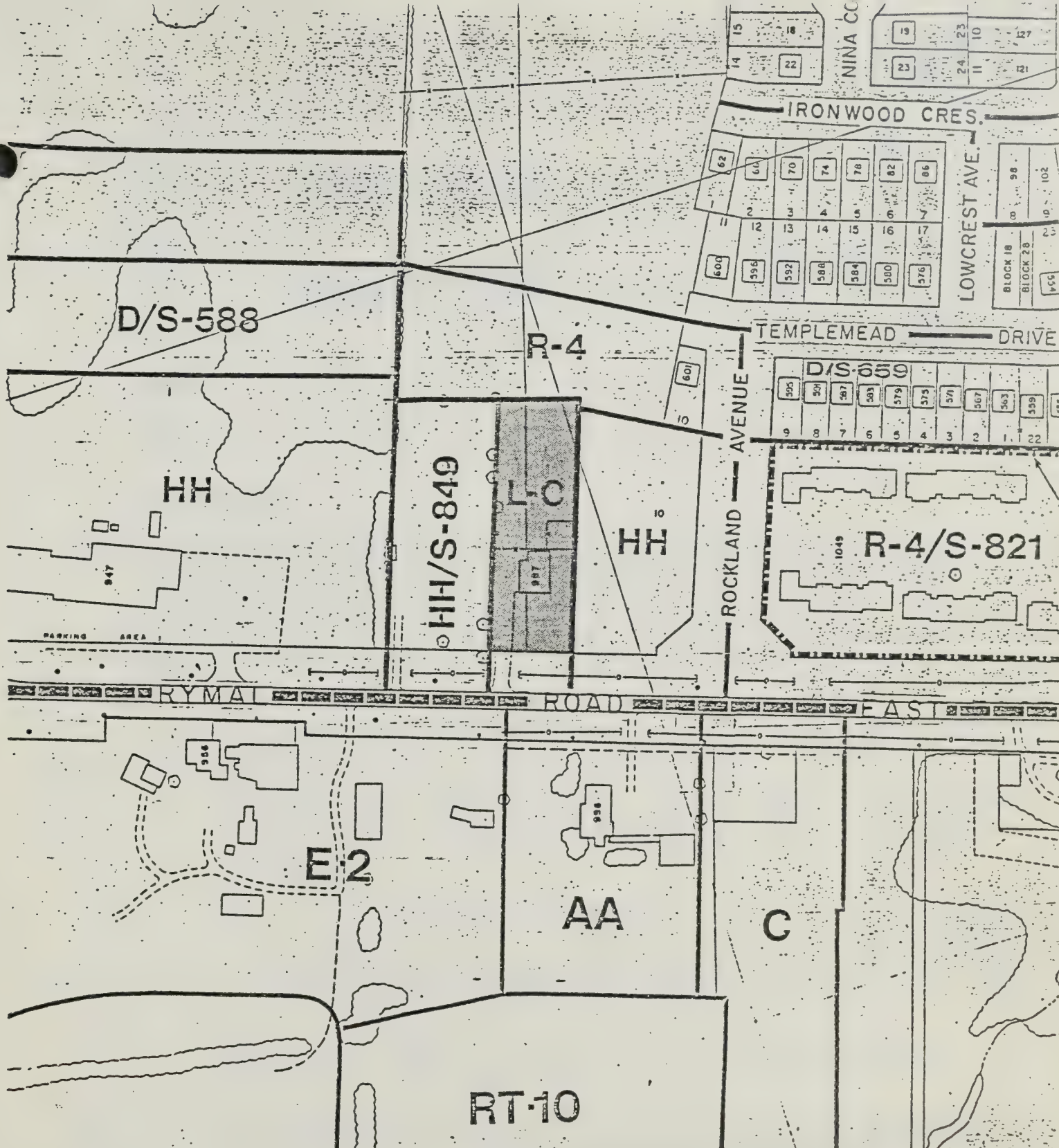
The required road widenings, etc. as advised by the Engineering Department can be acquired under Site Plan approval.

CONCLUSION

On the basis of foregoing, the application can be supported.

PDM:ma/dkp

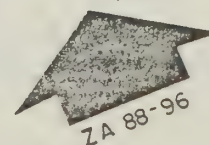
WP 0096P



Legend



Site of the Application



FOR ACTION

13.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 February 8
COMM FILE:
DEPT. FILE: ZA-88-97
Central
Neighbourhood

SUBJECT:

Request for a change and modification in zoning - Nos. 204-214 Hess Street North.

RECOMMENDATION

That approval be given to amended Zoning Application 88-97, Love Produce Distributors Ltd., owner, requesting a change in zoning from "G-3" (Public Parking Lots) District modified to "RT-30" (Street Townhouse) District modified to permit the development of a street townhouse dwelling having 5 single-family dwelling units on lands located at Nos. 204-214 Hess Street North, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "G-3" (Public Parking Lots) District modified to "RT-30" (Street-Townhouse) District;
- ii) That the "RT-30" (Street-Townhouse) District regulations as contained in Section 10F of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 10F(4)(a) a front yard depth of not less than 4.2 m shall be provided from Hess Street North, provided that the entrance to any garage shall be setback not less than 6.0 m from Hess Street North, and a front yard depth of not less than 1.2 m shall be provided from Windsor Street;
 - b) That notwithstanding Section 10F(4)(b) a rear yard depth of not less than 4.0 m shall be provided;
 - c) That notwithstanding Section 10F(4)(c) a side yard width of not less than 1.2 m shall be provided along the northerly lot line;
 - d) That notwithstanding Section 10F(6)(i) a lot area of not less than 100 m² shall be provided for each single-family dwelling unit;
 - e) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height be provided and maintained along the rear lot line and northerly side lot line;

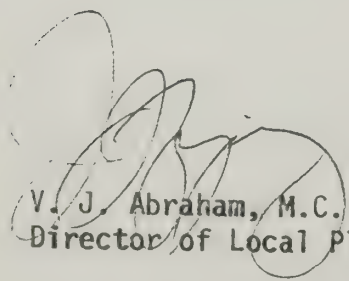
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-3 be notated S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-3 for presentation to City Council;
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- vi) That the approved Central Neighbourhood Plan be amended by redesignating the subject lands from "COMMERCIAL" to "ATTACHED HOUSING".

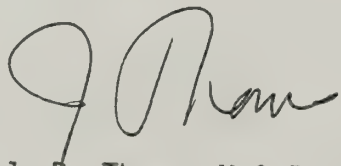
EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "G-3" (Public Parking Lots) District modified to "RT-30" (Street-Townhouse) District for lands located at Nos. 204-214 Hess Street North, as shown on the attached key map.

The effect of the By-law is to permit the redevelopment of the subject lands for a street-townhouse dwelling having a maximum of five (5) single-family dwelling units. In addition, the By-law provides for the following modifications as special requirements:

- that a front yard depth of not less than 4.2 m shall be provided from Hess Street North, provided that the entrance to any garage shall be setback not less than 6.0 m from Hess Street North, whereas a depth of not less than 6.0 m is required;
- that a front yard setback of not less than 1.2 m shall be provided from Windsor Street, whereas 6.0 m is required;
- that a rear yard depth of not less than 4.0 m shall be provided, whereas 7.5 m is required;
- that a side yard width of not less than 1.2 m shall be provided along the northerly lot line, whereas 2.5 m is required;
- that a lot area of not less than 100 m² shall be provided for each single-family dwelling unit, whereas 180m² is required;
- that a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height be provided and maintained along the rear lot line and the northerly side lot line.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

● Proposed Development

The applicant has requested a change in zoning from the "G-3" (Public Parking Lots) District modified to the "RT-30" (Street Townhouse) District modified, to permit the development of 5 street townhouse dwelling units.

● By-law No. 81-193

On June 23, 1981 City Council passed By-law No. 81-193. The purpose of the By-law was to rezone the subject lands from the "D" District to the "G-3" (Public Parking Lots) District. The effect of the By-law was to permit the lands to be used for parking in conjunction with a commercial use located at No. 221 Hess Street North (former "Barn" Fruit Market).

● Demolition Permits

Demolition Permits were issued in 1976 and 1980 for the demolition of six (6) dwelling units on the subject lands on the following basis:

- Nos. 204-206 Hess St. North a two-family dwelling;
- Nos. 208-210 Hess St. North a two-family dwelling;
- No. 212 Hess St. North a single-family dwelling; and
- No. 214 Hess St. North a single-family dwelling.

APPLICANT

Love Produce Distributors Ltd., owner.

LOT SIZE AND AREA

The subject property has approximately:

- 32.9 m (108 feet) of frontage on Hess Street North;
- 16.7 m (55 feet) of frontage on Windsor Street; and,
- 552 m² (5,940 sq.ft.) of lot area.

LAND USE AND ZONING

| | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|----------------------|--|---|
| <u>SUBJECT LANDS</u> | Parking Lots (storage of vehicles) | "G-3" (Public Parking Lots) District, modified |

SURROUNDING LANDS

| | | |
|---------------------------------|--|---|
| to the north, east and south | Residential (single-family, two-family and row dwellings) | "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses etc.) District |
| to the west | Commercial and Industrial | "JJ" (Restricted Light Industrial) District, modified |

OFFICIAL PLAN AND NEIGHBOURHOOD PLAN

The subject lands are designated "CENTRAL POLICY AREA" on Schedule "A" - Land Use Concept of the Official Plan. The following policies, among others, apply:

- "2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:
- ii) Residential Uses of various types, including, but not limited to single-family detached, semi-detached, row and apartment housing, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7;"

In addition, the subject lands are located within "SPECIAL POLICY AREA 3", and are subject to the following policies:

- "2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy 1.2.8.1(ii);
- i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;
 - ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged;

- v) It is intended that Residential development or redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses;

2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following consideration are met:

- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding area; and,
- ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses".

On the basis of the foregoing, the proposal does not conflict with the intent of the Official Plan.

The subject lands are designated "COMMERCIAL" in the approved Central Neighbourhood Plan. Accordingly, if deemed appropriate, approval of the application would only require an amendment to the Neighbourhood Plan to redesignate the subject lands to "ATTACHED HOUSING", thereby bringing the proposal into compliance with the Official Plan.

RESULTS OF CIRCULARIZATION

- The following agencies have no comment or objection:
 - LACAC;
 - Hamilton Region Conservation Authority;
 - Traffic Department.
- The Building Department has advised as follows:
 - "1. The front, rear and both side yards are inadequate.
 - 2. The lot only allows for three units. Six units are shown.
 - 3. The unit widths are insufficient."
- The Hamilton-Wentworth Department of Engineering has advised as follows:
 - "Please be advised that both public watermains and combined storm and sanitary sewers are available to service the subject lands.

We do not anticipate any further road allowance widenings at this time.

Any works within the Hess Street and Windsor Street road allowances must conform to the City's Streets By-law".

COMMENTS

1. The proposal does conflict with the intent of the Official Plan. However, subject to Council's satisfaction, approval of the application would only require an amendment to the approved Central Neighbourhood Plan to redesignate the subject lands to "ATTACHED HOUSING", thereby bringing the proposal into compliance with the Official Plan.
2. On the basis of a preliminary site plan, the Building Department has advised that approval of the proposal would require the following variances:

- Front Yard

The proposal would provide a front yard depth of 4.2 m (14 feet) from Hess Street North, whereas 6.0 m (19.69 ft.) is required. In this regard, it should be noted that the building has been designed so that the garage for each unit is at grade, with the entrance setback 6.0 (19.69 ft.) from Hess Street. The front of the units projects/overhangs the garage at the upper level and is setback 4.2 m (14 feet).

Consequently, the applicant is able to provide 1 parking space in the garage and an additional space in the driveway for each unit.

In addition, the proposal would be setback 1.2 m (4 feet) from Windsor Street, whereas 6.0 m is required.

- Side Yard

A side yard setback of 1.2 m (4 feet) would be provided along the northerly side lot line, whereas 2.5 m (8.2 ft.) is required.

- Rear Yard

A rear yard depth of 4.0 m (13 ft.) is proposed, whereas a minimum of 7.5 m (24.61 ft.) is required.

- Lot Area

A minimum lot area of 180 m² (1,937 ft.) is required for each unit, whereas a minimum of 100 m² (1,076 sq.ft.) is proposed. In this regard, 5 units are proposed and the By-law would allow 3.

Although the foregoing variances are significant relative to the typical requirements for street-townhouse development, the proposal has merit and can be supported for the following reasons:

- it would be compatible and inkeeping with the character of established residential development in the surrounding area, which is primarily comprised of one-family, two family, and row dwellings on small lots;
- it would provide additional housing opportunities in the Central Area;

- it would be an improvement over the existing situation, in that the subject lands are presently unkempt and being utilized for the parking and storage of heavy vehicles (e.g. trucks);
- approval of the application could serve as a catalyst for future similar redevelopment in the surrounding area which is transitional in nature (i.e. mixed residential, commercial and industrial).

In order to mitigate the potential effect of the development on adjoining residential development a 1.2 m - 2.0 m high visual barrier should be provided and maintained along the rear lot line and northerly side lot line.

3. If approved, future development of the subject lands would be subject to the provisions of By-law No. 79-275 respecting Site Plan Control, thereby allowing for the review of access, screening, etc.

CONCLUSION

On the basis of the foregoing, the application can be supported.

PDM/ma

WP0096P

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1989 February 8

COMM FILE:

DEPT. FILE: ZA-88-117

MOUNTAIN

INDUSTRIAL AREA

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

An amended application requesting a zoning modification - No. 1249 Stone Church Road East.

RECOMMENDATION

- a) That approval be given to Official Plan Amendment No. to establish a "SPECIAL POLICY AREA" to permit limited commercial uses on the subject lands, and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- b) That approval be given to Amended Zoning Application 88-117, Carlo Del-Sordo, owner, for a modification to the "M-13" (Prestige Industrial) District to permit additional commercial uses on the property located at No. 1249 Stone Church Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - (i) That the "M-13" (Prestige Industrial) District regulations as contained in Section 17E of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as a special requirement:
 - a) That in addition to the uses permitted in Section 17E(1) of By-law No. 6593, the following commercial uses shall also be permitted:

| <u>Use</u> | <u>S.I.C. Identification</u> |
|---|------------------------------|
| Office and Store Machinery, Equipment and Supplies, Wholesale | 5791 |
| Liquor Stores | 6021 |
| Wine Stores | 6022 |
| Beer Stores | 6023 |

| <u>Use</u> | <u>S.I.C. Identification</u> |
|--|----------------------------------|
| Appliance, Television, Radio and Stereo Stores | 6221 |
| Home and Auto Supply Stores | 6341 |
| General Stores | 6412 |
| Hardware Stores | 6531 |
| Other Banking-Type Intermediaries | 7029 |
| Insurance and Real Estate Agencies | 7611 |
| Office of Chartered and Certified Accountants | 7731 |
| Restaurants, Licenced | 9211 |
| Taverns, Bars and Night Clubs | 9221 |
| Self-Serve Laundries and/or Dry Cleaners | 9723 |
| Combination Barber and Beauty Shops | 9713 |
| Offices of Chiropractors and Osteopaths | 8661 |

- b) That notwithstanding Section 17E(2)(b)1(ii) a side yard having a width of not less than 3.0 metres shall be provided and maintained along the westerly lot line.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-59C be notated as S- .
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59C for submission to City Council.
- iv) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.

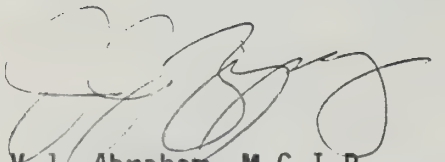
EXPLANATORY NOTE

The purpose of this By-law is to provide for a modification to the "M-13" (Prestige Industrial) District regulations for property located at No. 1249 Stone Church Road East, as shown on the attached map marked as APPENDIX "A".

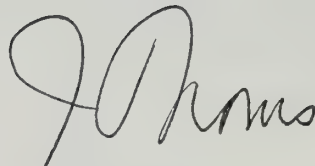
The effect of the By-law is to permit, in addition to the "M-13" (Prestige Industrial) District uses, the following additional commercial uses:

| <u>Use</u> | <u>S.I.C. Identification</u> |
|---|----------------------------------|
| Office and Store Machinery, Equipment and Supplies, Wholesale | 5791 |
| Liquor Stores | 6021 |
| Wine Stores | 6022 |
| Beer Stores | 6023 |
| Appliance, Television, Radio and Stereo Stores | 6221 |
| Home and Auto Supply Stores | 6341 |
| General Stores | 6412 |
| Hardware Stores | 6531 |
| Other Banking-Type Intermediaries | 7029 |
| Insurance and Real Estate Agencies | 7611 |
| Office of Chartered and Certified Accountants | 7731 |
| Restaurants, Licenced | 9211 |
| Taverns, Bars and Night Clubs | 9221 |
| Self-Serve Laundries and/or Dry Cleaners | 9723 |
| Combination Barber and Beauty Shops | 9713 |
| Offices of Chiropractors and osteopaths | 8661 |

In addition, a side yard having a width of not less than 3.0 metres shall be provided and maintained along the westerly lot line, whereas a width of 6.0 metres is required.



V.J. Abraham, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o Proposed Development

On the basis of a preliminary site plan, the applicant proposes to erect a one-storey, seven unit commercial/industrial building having a total gross floor area of 1,122 m² (12,078 sq. ft.). Parking for a total of 35 cars will be provided on the site.

APPLICANT

Carlo Del-Sordo, owner.

LOT SIZE AND AREA

- o 70.104 m (230 ft.) of lot frontage on Stone Church Road East;
- o 86.258 m (283 ft.) of lot depth; and,
- o 6,046.861 m² (65,090 sq. ft.) of lot area.

LAND USE AND ZONING

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------|--------------------------|---------------------------------------|
| <u>Subject Lands</u> | Vacant | "M-13" (Prestige Industrial) District |
| <u>Surrounding Lands</u> | | |
| To the north | Vacant | "M-13" (Prestige Industrial) District |

| | | |
|--------------|---|--|
| To the south | Construction company office and yard | "M-14" (Prestige Industrial) District |
| To the east | Vacant | "M-13" (Prestige Industrial) District |
| To the west | Vacant | "M-13" (Prestige Industrial) District |

OFFICIAL PLAN

The subject lands are designated "INDUSTRIAL" on Schedule "A" - Land Use Concept to the Official Plan.

Policy A.2.3.1 states that "The primary uses permitted in the area designated on Schedule "A" as "INDUSTRIAL" will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing." In addition, commercial uses "which are intended to directly serve the Industries and their personnel" are permitted, among others."

Policy A.2.3.19 requires that the commercial uses permitted in Policy A.2.3.1 (ii) "will be restricted to areas abutting major roads."

"The subject lands are also located within "SPECIAL POLICY AREA 11" on Schedule "B". Policy A.2.9.3.9 permits "Light Industrial Uses".

On the basis of the foregoing, the proposal does not comply with the Official Plan. Approval of the application would require an Official Plan Amendment to establish a "SPECIAL POLICY AREA" to permit limited commercial uses on the subject lands.

NEIGHBOURHOOD PLAN

Designated for "RESTRICTED INDUSTRIAL - COMMERCIAL" use on the approved Mountain Industrial Area Plan. The proposal does not conflict with the intent - of the Plan.

COMMENTS RECEIVED

The following agencies have no comment or objection:

- LACAC; and,
- Hamilton Region Conservation Authority.
- o The Building Department has advised as follows:

"A chiropractic office is under S.I.C. No. 8661 (Offices of Chiropractic and Osteopaths) and is not permitted in any of the "M" Districts.

All the proposed uses listed on Exhibit "B" of this application are permitted in "M-11", "M-12", "M-14", and "M-15" Districts, but none are permitted in an "M-13" District.

All the proposed uses are designated in Table 4 as commercial uses, therefore, the parking and loading requirements shall conform to Section 18A of Zoning By-law No. 6593."

- o The Traffic Department has advised as follows:

"... we have reviewed the above-noted application and find it satisfactory. However, we do note that some of the suggested uses are high traffic generators. If these uses result in necessary roadway improvements, the usual policy of the Region has been that the cost of these improvements will be the responsibility of the applicant."

- o The Engineering Department has advised as follows:

"... public watermains as well as sanitary and storm sewers are available to service the subject land.

The designated road allowance width of Stone Church Road is 30.48 m (100 ft.). We do not anticipate any further road widenings at this time. Any roadway improvements required as a result of this development will be at the expense of the owner/applicant."

COMMENTS

1. The proposal does not comply with the Official Plan. Approval of the application would require an amendment to establish a "SPECIAL POLICY AREA" to permit limited commercial uses on the subject lands.
2. The proposal complies with intent of the approved Mountain Industrial Area Plan.
3. The proposal has merit and can be supported for the following reasons:
 - o it is suitably located on a major arterial road;
 - o it would not interfere with the orderly development of the approved Mountain Industrial Area, and would serve the industries in the area and their personnel; and,
 - o it would be compatible with the existing and future intended uses in the surrounding area.
4. As a result of discussions with the applicant, it was agreed to proceed with an amended application providing for a "short list" of uses. These uses include the following:

| <u>Use</u> | <u>S.I.C. Identification</u> |
|---|----------------------------------|
| Office and Store Machinery, Equipment and Supplies, Wholesale | 5791 |
| Liquor Stores | 6021 |

| <u>Use</u> | <u>S.I.C. Identification</u> |
|--|----------------------------------|
| Wine Stores | 6022 |
| Beer Stores | 6023 |
| Appliance, Television, Radio and Stereo Stores | 6221 |
| Home and Auto Supply Stores | 6341 |
| General Stores | 6412 |
| Hardware Stores | 6531 |
| Other Banking-Type Intermediaries | 7029 |
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| Restaurants, Licenced | 9211 |
| Taverns, Bars and Night Clubs | 9221 |
| Self-Serve Laundries and/or Dry Cleaners | 9723 |
| Combination Barber and Beauty Shops | 9713 |
| Offices of Chiropractors and Osteopaths | 8661 |

5. On the basis of a preliminary site plan, the applicant has proposed a westerly side yard of 3.0 metres, whereas 6.0 metres is required. The applicant has advised that due to the unworkable grade present in the north east section of the subject lands this reduced side yard will facilitate the construction of the building. Due to the irregular shape of the subject lands, the variance is minor in nature and can be supported.

6. Under the "M-13" (Prestige Industrial) District regulations, the development is subject to Site Plan Control By-law 79-275 as amended by By-law 87-223. Matters such as landscaping, parking, access, grading, etc., can be further reviewed during the site plan approval process.

CONCLUSION

On the basis of the foregoing, the amended application can be supported.

MPS:ma

WP 0330P

FOR ACTION

15.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 February 06
COMM FILE:
DEPT. FILE: ZA-88-120
Kentley
Neighbourhood

SUBJECT:

Request for a further modification in zoning - No. 75 Centennial Parkway North (Eastgate Square).

RECOMMENDATION

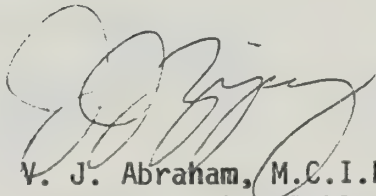
That approval be given to Zoning Application 88-120, Cadillac Fairview Corporation Limited, owner, requesting a further modification to the established "G-1" (Designed Shopping Centre) District, to permit dancing in conjunction with a restaurant for property located at No. 75 Centennial Parkway North, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "G-1" (Designed Shopping Centre) District, regulations as contained in Section 13A of Zoning By-law No. 6593 as amended by By-Law No. 71-97, applicable to the subject lands, be further modified to include the following variance as a special requirement:
 - a) Notwithstanding Section 13A.(1)(iii) and Section 13.(1)(vii) a restaurant or refreshment room with dancing or other entertainment shall be permitted;
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-199a, and that the subject lands on Zoning District Maps E-104 and E-105 be notated as S-199a;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-104 and E-105 for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

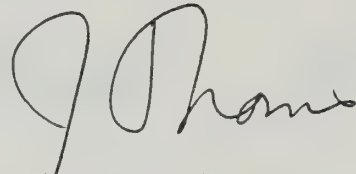
EXPLANATORY NOTE

The purpose of the By-law is to provide for a further modification to the established "G-1" (Designed Shopping Centre) District regulations for lands located at No. 75 Centennial Parkway North, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit dancing in conjunction with a restaurant (Moviola Cafe) located within No. 75 Centennial Parkway North (Eastgate Square).



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o By-law No. 71-97

At its meeting of March 30, 1971 City Council passed By-law No. 71-97. The purpose of the By-law was to provide a change in zoning on the subject lands from "AA" (Agricultural) District and "JJ" (Restricted Light Industrial) District, to "G-1" (Designed Shopping Centre) District and establish special requirements for the development of this site.

APPLICANT

The Cadillac Fairview Corporation Limited, owner.

LOT SIZE AND AREA

The subject property is bordered by Delawana Drive, Centennial Parkway North, Queenston Road and Kenora Avenue with a total area of approximately 17.67 ha. (43.662 acres).

LAND USE AND ZONING

| | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|----------------------|--------------------------|---|
| <u>SUBJECT LANDS</u> | Shopping Centre | "G-1" (Designed Shopping Centre) District, modified |

SURROUNDING LANDS

| | | |
|--------------|---|---|
| to the north | Church and Single-family dwellings | "C" (Residential- Single family) District, modified and "C" (Residential-Single Family) District |
| to the south | H.S.R. Transit Depot, Commercial plaza (Stoney Creek) | "C3" (General Commercial) District |
| to the east | Strip commercial | "HH" (Restricted Community Shopping and Commercial) District |
| to the west | Single-family dwellings and restaurant | "D" (Residential-One and Two Family) District, "DE-2" (Low Density Multiple Dwellings) District, modified and "HH" (Restricted Community Shopping and Commercial) District |

OFFICIAL PLAN

The subject lands are designated "COMMERCIAL" and are identified as a Sub-Regional Centre on Schedule "A" - Land Use Concept of the Official Plan. The proposal does not conflict with the intent of the plan.

NEIGHBOURHOOD PLAN

The subject lands are designated "COMMERCIAL" in the Approved Kentley Neighbourhood Plan. The proposal does not conflict with the intent of the Plan.

RESULTS OF CIRCULARIZATION

- o The following agencies have no comment or objection:
 - LACAC;
 - Hamilton Region Conservation Authority;
 - Building Department; and,
 - Traffic Department.
- o The Hamilton-Wentworth Department of Engineering has advised as follows:

"...be advised that public watermains, as well as storm and sanitary sewers are available to service the subject lands.

The applicant should be advised of a future road allowance widening on Queenston Road and Centennial Parkway to establish their 36.58 m (120 ft.) designated widths and a 12.19 m x 12.19 m (40 ft. x 40 ft.) daylight triangle from the widened limit of these roadways."

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal does not conflict with the intent of the Approved Kentley Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - o it implements the intent of the Official Plan which permits business enterprises such as "entertainment facilities". Sub-Regional Centres such as Eastgate Square are promoted as secondary retail, business and service centres in the Region, and in the context of the overall commercial structure of the City;
 - o it would be compatible with existing development in the surrounding area; and,
 - o it is only adding an incidental use (dancing) to an existing restaurant (Moviola Cafe) within the existing shopping plaza (Eastgate Square).

Accordingly, the proposal does not require an addition to the existing building and would not impact on the existing parking.

CONCLUSION

On the basis of the foregoing, the application can be supported.

MS:ma/dkp

WP0372P

A4 ON HBC A05
251P4

URBAN MUNICIPAL
LIBRARIAN



E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1989 February 23rd

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1989 March 1st
1:00 o'clock p.m.
Room 233, City Hall

Susan K. Reeder
Secretary

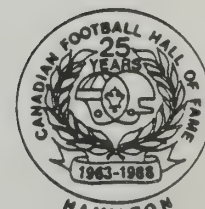
SKR:dbm

A G E N D A

1. Minutes of the meetings held Wednesday, 1989 February 15th and Thursday, 1989 February 16th.

BUILDING COMMISSIONER

2. Demolition Permit Applications.
3. Appointment of Inspectors.



DIRECTOR OF COMMUNITY DEVELOPMENT

4. Revised Board of Management - Concession Street B.I.A.
5. Commercial Facade Loan Programme - 1059-1065 King Street West.
6. Ontario Home Renewal Programme - 46 East 16th Street and 58 Barnesdale Avenue South.

DIRECTOR OF PROPERTY

7. Release of Building Covenants - 42 Keefer Court.

COMMISSIONER OF ENGINEERING

8. Subdivision Agreements - "Call B.U.D." Signs.
9. Enforcement of Subdivision Agreement.
10. Cash Payment in Lieu of Parkland - "Highridge Hills - Stage 2".

L.A.C.A.C.

11. Designation - 256-258 MacNab Street North.
12. 105 Aberdeen Avenue.

BUSINESS LAND USE ADVISORY BOARD

13. Terms of Reference and additional members.

DIRECTOR OF LOCAL PLANNING

14. Proposed Draft Plan of Subdivision "Abbey Hill Farm - Phase 3", south of Rymal Road, Kennedy East Neighbourhood.
15. Proposed Draft Plan of Condominium "Lancing Corporate Centre", east of Nebo Road, Rymal Neighbourhood.
16. Site Plan Control Application DA 88-122, Landown Shopping Centres, owners of lands known as 1221 Limeridge Road East, Lisgar Neighbourhood.
17. Site Plan Control Application DA 88-126, Mr. Zygmund Cwierdzinski, owner, of lands known as 568 James Street North, North End East Neighbourhood.

ZONING APPLICATIONS

COUNCIL CHAMBERS

3:00 O'CLOCK P.M.

3:00 o'clock p.m.

18. Zoning Application 88-66, for property at 990 West Fifth Street; Gourley Neighbourhood.
19. Zoning Application 88-102, for the rear part of property at 1296 Upper Gage Avenue; Randall Neighbourhood.
20. Zoning Application 88-108, for property at 1360 Rymal Road East (and rear of); Hannon South Neighbourhood.

3:15 o'clock p.m.

21. Zoning Application 88-123, for property at 31 Dartnall Road; Hannon North Neighbourhood.
22. Zoning Application 88-112, for land at the north-west corner of Upper Wentworth Road and Rymal Road East; Barnstown Neighbourhood.
 - (a) Letter of Submission - John O. Grottenberg, 389 Rymal Road East.
 - (b) Letter of Submission - Mr. & Mrs. Forsyth, 379 Rymal Road East.
23. Other Business.
24. Adjournment.

PLEASE NOTE: A PUBLIC MEETING TO CONSIDER THE PROPOSED LAND USE DESIGNATION CHANGE FOR THE FALKIRK EAST NEIGHBOURHOOD WILL BE HELD ON 1989 MARCH 1ST AT 7:30 O'CLOCK P.M. IN THE SECOND LOBBY, CITY HALL.

Wednesday, 1989 February 15
12:00 o'clock noon
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Mayor Robert M. Morrow
Alderman D. Ross
Alderman M. Kiss
Alderman D. Christopherson
Alderman W. McCulloch
Alderman H. Merling
Alderman B. Hinkley

Regrets: Alderman S. Lombardo - Vacation

Also present: Mr. L. Sage, Chief Administrative Officer
Mr. V. Abraham, Director of Local Planning
Mr. D. Carson, Mayor's Office
Mr. A. Georgieff, Planning Department
Mr. D. Beattie, Harbour Task Force
Mr. B. Loreto, City Solicitor's Office
Mrs. N. Chapple, Planning Department
Mr. M. Watson, Manager, Real Estate Division
Mr. L. King, Building Department
Mr. K. Brenner, Regional Engineering Department
Mr. R. Powers, Harbour Task Force
Mr. J. Macdonald, Harbour Task Force
Mrs. G. Simmons, Harbour Task Force
Mrs. V. Grupe, Planning Department
Mr. J. Robinson, Community Development Department
Mr. K. Christenson, Waterfront Project Manager, Community Development Department
Mr. E. Kowalski, Director of Community Development
Mr. D. Girt, Harbour Task Force
Mr. B. Warry, Harbour Task Force
Mr. D. Vyce, Director of Property
Mrs. C. Floroff, Planning Department
Mr. R. Stewart, Harbour Task Force
Mr. J. Robson, Building Department
Ms. J. McNeilly, Community Development Department
Mr. J. Gartner, Regional Planning
Mr. R. Karl, Traffic Department
Mr. J. Thoms, Commissioner, Planning and Development
Mr. P. Mallard, Planning Department
Mrs. Susan K. Reeder, Secretary

Alderman Hinkley, Chairman of the Task Force to Review the Mandate and Structure of the Hamilton Harbour Commissioners spoke to the Planning and Development Committee. He referred to maps of the present harbour and the harbour as it was in 1913. He also introduced members of the Harbour Task Force who were in attendance.

Mr. R. Stewart, of the Task Force outlined the recommendations of the Environmental Sub-Committee as follows:

- 1.1 That environmental impact be a part of the planning process of any new project or development in the harbour.
- 1.2 That all works undertaken by the Harbour Commissioners meet the requirements of, and be subject to, the Provincial Ministry of the Environment and Environment Canada standards.
- 1.3 That, once a determination has been made on the question of sediments on the harbour floor, a decision be made as to who is responsible for any action and who pays.

- Presentation -
Final Report -
Task Force to Review
the Mandate and
Structure of the
Hamilton Harbour
Commissioners.
- Environmental
recommendations.

- 1.4 That acknowledgement be given to the work of investigating the environmental concerns with respect to the harbour now being undertaken and examined by the Remedial Action Plan process.
- 1.5 That the Hamilton Harbour Commissioners be a part of any overall Co-ordinating Steering Committee established for the implementation process respecting the Remedial Action Plan.

Mrs. G. Simmons, outlined the recommendations of the Planning Sub-Committee as follows:

- 2.1 That without prejudice to other matters under way, the City of Hamilton and the Hamilton Harbour Commissioners establish clearly and with all despatch the West Harbour as an area for public waterfront and open space use.
- 2.2 That Hamilton City Council initiate meetings with Burlington City Council on harbour related matters.
- 2.3 Due to the difficulty of determining a general interpretation of the term "navigation and shipping", that the City of Hamilton and the Hamilton Harbour Commissioners meet in order to agree on a clarification of the term "navigation and shipping" for their own purposes.
(See Recommendation 3.1)

Mr. Russ Powers, outlined the recommendations of the Legal Sub-Committee as follows:

- 3.1 (a) That a general interpretation of the phrase "navigation and shipping" not be accepted, but that each interpretation of this phrase rest with the circumstances surrounding the particular case or situation at hand; and
- (b) That, notwithstanding Section (a) above, that the City of Hamilton and the Hamilton Harbour Commissioners meet in order to agree on a clarification of the term "navigation and shipping" as recommended in the Report of this Task Force's Planning Subcommittee, and outlined in Recommendation 2.3.
- 3.2 (a) That the definition of the term "waterfront property" set out in the judgment of Mr. Justice Griffiths, as affirmed by the Ontario Court of Appeal, in Hamilton Harbour Commissioners v. The Corporation of The City of Hamilton et al be accepted as the legal definition of the term "waterfront property" for the purposes of The Hamilton Harbour Commissioners' Act.
- (b) That, therefore, the term "waterfront property" be defined to mean:
- "That real property abutting or fronting on the body of water that constitutes Hamilton harbour".
- 3.3 (a) That the principles set out in the judgment of Mr. Justice Griffiths, as affirmed and augmented by the Ontario Court of Appeal in Hamilton Harbour Commissioners v The Corporation of the City of Hamilton et al be accepted as the law applicable to the issue of jurisdiction in Hamilton harbour.
- (b) That, accordingly it be recognized that,
- (i) the City may validly pass a zoning by-law affecting land use within the harbour so long as the by-law does not explicitly attempt to prohibit or regulate the use of land for purposes related to shipping and navigation or the use of land owned by the Federal Crown;

- (ii) the Commissioners may validly pass by-laws to regulate the use and development of land within the harbour for purposes related to shipping and navigation; and
- (iii) if a direct conflict arises between a validly-enacted City zoning by-law and a validly-enacted Commissioners by-law with respect to the use of a parcel of land within the harbour, the operation of the City zoning by-law is suspended during the operation of the Commissioners by-law".

- 3.4 (a) That the definition of the term "harbour headline" set out in the judgment of Mr. Justice Griffiths, as affirmed by the Ontario Court of Appeal, in Hamilton Harbour Commissioners v. The Corporation of the City of Hamilton et al be accepted as the proper legal definition of the term "harbour headline" for the purposes of the management and operation of navigation and shipping in Hamilton harbour.
- (b) That, therefore, the term "harbour headline" be defined as "a line established out from the shoreline beyond which breakwaters, wharfs, piers and other structures may not be built".
- (c) That any by-law passed by the Hamilton Harbour Commissioners to establish or amend the "harbour headline" for Hamilton harbour comply, like any other of their by-laws, with subsection 20(2) of The Hamilton Harbour Commissioners' Act, which reads:

"No by-law shall have force or effect until confirmed by the Governor in Council and published in The Canada Gazette, and every such by-law shall, at least ten days before it is submitted to the Governor in Council, be served upon the City Clerk of Hamilton".

Alderman Hinkley, outlined the recommendations of the Political Sub-Committee as follows:

Political
recommendations.

- 4.1 That City Council request the Hamilton-Wentworth Regional Police Commission to direct the Marine Unit of the Regional Police Department to be responsible for the testing, posting of warnings, and public announcements respecting the ice conditions in Hamilton Harbour and Cootes Paradise.
- 4.2 (a) That City Council petition the Federal and Provincial Governments to study the matter of boating safety and the operators' knowledge and ability to perform safely in and through Ontario's waterways by instituting a system of testing and licencing operators of vessels over 10 H.P.
- (b) That the Federation of Canadian Municipalities and the Association of Municipalities of Ontario be notified of this petitioning.
- 4.3 (a) That adherence to Section 20, Sub-section 2 of the Hamilton Harbour Commissioners' Act which reads:

"No By-law shall have force or effect until confirmed by the Governor in Council and published in The Canada Gazette, and every such by-law shall, at least ten days before it is submitted to the Governor in Council, be served upon the City Clerk of Hamilton"

be carried out as intended.

- (b) That the City Clerk advise City Council when By-laws are received and that such By-laws be referred to the appropriate committee of City Council for their information and discussion.
- (c) That the 10 day notification period be monitored by the City Clerk to determine its appropriateness.

- 4.4 That City Council petition the Federal Government to amend the Hamilton Harbour Commissioners' Act as follows:
- (a) increase the membership from 3 to 5 members;
 - (b) that 3 members be appointed by the Federal Government, and 2 members by the Hamilton City Council.
 - (c) that Sub-section 4 of Section 6 of the Act which reads:

"No member of the Council shall be eligible to be a commissioner"

be repealed.
 - (d) that the two members appointed by Hamilton City Council, referred to in Recommendation (b) above, consist of at least one person who is not a member of Hamilton City Council.
- 4.5 That the Annual Financial Statements of the Hamilton Harbour Commissioners be referred to the appropriate Standing Committees of Council for examination and discussion.

General discussion ensued on the Report by the Committee and the following recommendation was then approved:

- (a) That the Planning and Development Committee **RECEIVE** the final report of the Task Force to Review the Mandate and Structure of the Hamilton Harbour Commissioners; and
- (b) That the Planning and Development Committee forward the Task Force Report to City Council, and recommend that City Council refer each of the recommendations contained in the report to the appropriate standing committees for review and recommendations back to City Council for approval; and
- (c) That the recommendations requiring only City Council approval be referred back to the Planning and Development Committee for discussions on an individual basis and recommendations back to City Council; and
- (d) That the Chief Administrative Officer be directed to ensure that the recommendations contained in the Task Force Report are presented to the appropriate standing committees.

Demolition Permit
Applications

10 Herkimer Street

The Committee was in receipt of a report from the Building Commissioner dated 1989, February 8 respecting Demolition Permit Applications.

The Committee specifically discussed Section (d) of the report pertaining to an application for property at No. 10 Herkimer Street.

The Committee was also in receipt of an added report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 February 13 respecting the property at 10 Herkimer Street. The L.A.C.A.C. Committee recommendation stated:

"That City Council not support the demolition of the "listed" house at 10 Herkimer Street for the proposed expansion of the Senior Citizen's residence and that the Zoning Application therefore be denied".

The Committee discussed this matter and agreed that the Demolition Permit Application for property at 10 Herkimer Street **BE TABLED** until such time as the Zoning Application is processed.

The Committee also **APPROVED** the following demolition permits applications:

- (a) 101 Arbour Road
- (b) 489 Cochrane Road
- (c) 498 Cochrane Road

The Committee was in receipt of a report from the Director of Community Development dated 1989 February 8 respecting Locke Place (from Main Street West to Herkimer) Business Improvement Area (B.I.A.); request for designation pursuant to Section 217, The Municipal Act.

**Locke Place (from
Main Street West
to Herkimer) B.I.A.**

The Committee **APPROVED** the following:

- (a) That, the request of the merchants in the proposed area for designation (hereinafter referred to as the Locke Place B.I.A.), to adopt a by-law designating a Business Improvement Area (B.I.A.) from 80 Locke Street South to 260 Locke Street South inclusive, and 281 Herkimer Street, as indicated on Schedule 'A' attached herewith and marked **APPENDIX "A"**, **BE APPROVED**; and,
- (b) That, the City Solicitor **BE HEREBY AUTHORIZED** and directed to prepare, and submit to City Council a by-law, pursuant to Sub-section (1), Section 217, The Municipal Act, R.S.O. 1980, designating Locke Street Association as a B.I.A. following the appropriate circularization procedures.

The Committee was in receipt of a report from the Director of Community Development dated 1989 February 8 respecting Main Street West (from Locke Street to Queen Street) Business Improvement Area (B.I.A.) request for designation pursuant to Section 217, The Municipal Act.

**Main Street West
(from Locke to
Queen Street) B.I.A.**

The Committee **APPROVED** the following:

- (a) That, the request of the Main Street West Business Association to adopt a by-law designating a Business Improvement Area on Main Street West, generally from Locke to Queen Streets as indicated on Schedule 'A' attached herewith and marked **APPENDIX "B"**, **BE APPROVED**; and,
- (b) That, the City Solicitor **BE HEREBY AUTHORIZED** and directed to prepare, and submit to City Council a by-law pursuant to Sub-section (1), Section 217, The Municipal Act, R.S.O. 1980, following the appropriate circularization procedures.

The Committee was in receipt of a report from the Director of Community Development dated 1989 February 6 respecting a Commercial Facade Loan Programme Application.

**Commercial Facade
Loan Programme
Application -
489 Concession Street.**

The Committee **APPROVED** the following:

That a repayable loan, under the Commercial Facade Loan Programme, in the amount of fifteen thousand dollars (\$15,000.) **BE APPROVED** for Daniel R. Logan and Lauchlin D. Cameron, 489 Concession Street. The interest rate to be 6 percent, amortized over 10 years.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 January 27 respecting cash payment in lieu of 5% parkland dedication - "Templemead No. 2 Survey - Phase 6", Hamilton.

**Cash in lieu of
Parkland -
"Templemead No. 2
Survey - Phase 6"**

The Committee **APPROVED** the following:

That the City of Hamilton **ACCEPT** the sum of \$9,990, as cash payment in lieu of 5% dedication in connection with "Templemead No. 2 Survey - Phase 6", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located west of Upper Ottawa Street and north of Rymal Road in the Templemead Neighbourhood.

Cash in lieu of
Parkland -
"Clerico Court"

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 February 1 respecting cash payment in lieu of 5% parkland dedication for "Clerico Court", Hamilton.

The Committee **APPROVED** the following:

That the Corporation of the City of Hamilton **ACCEPT** the sum of \$6,560. as cash payment in lieu of 5% dedication in connection with "Clerico Court", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located west of Mount Albion Road on the south side of Hixon Road in the Red Hill Neighbourhood. Hamilton.

Modified
Subdivision
Agreement -
203 Rymal Road West

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 February 8 respecting Modified Subdivision Agreement - 203 Rymal Road West. Hamilton.

The Committee **APPROVED** the following:

(a) That the City Modified Subdivision Agreement for 203 Rymal Road West **BE AMENDED** to allow the acceptance of a 5% land dedication as the 5% Parkland Dedication requirement in lieu of the 5% cash payment originally paid.

(b) That the City Treasurer **BE AUTHORIZED** and directed to reimburse the owner, Shedaco Holdings Limited, in the amount of \$10,500., as the amount originally paid in cash for the 5% Parkland Dedication requirement.

NOTE: The City is being asked to refund the owner \$10,500., being an interim payment, subject to future land dedication for park purposes. Staff believes that the proposed land dedication is of more benefit to the City.

In July of 1988, staff agreed to accept the sum of \$10,500. as the 5% Parkland Dedication requirement for the subject development with the intention of refunding this once final approval had been obtained for another development within the same neighbourhood owned by the same owner, and known as Abbey Hill Farm - Phase 1.

The cash amount was accepted on a temporary basis in order not to hold up the subject development.

Under the City Subdivision Agreement for Abbey Hill Farm - Phase 1, the owner dedicated a Block of land, Block 46, totalling 8,895.50m² for Parkland purposes. The 5% requirement for that development was 3,248.88m².

The 5% requirement for the subject development is 140.50m². After deducting this from the remaining balance, the new Parkland Credit Balance will be 5,506.15m² which may be used by this owner in the same neighbourhood for future developments.

These lands are located west of Upper James Street and south of Rymal Road in the Kennedy East Neighbourhood.

Tour - Display House
- Homebuilders
Association.

Alderman Ross spoke to the Committee on the possibility of planning a tour of the display house set up behind the Board of Education building by the Home Builders Association. The Committee **AGREED** that Mr. V. Abraham, Director of Local Planning should make the necessary arrangements for a tour.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 February 8 respecting an amendment to a resolution on property at 373 Brunswick.

Amendment to Council
resolution -
373 Brunswick

The Committee **APPROVED** the following:

That Section 8 of the Twenty Second Report for 1988 of the Planning and Development Committee respecting a zoning application for property at 373 Brunswick, **BE AMENDED**, by deleting Subsection (b) which reads as follows:

"That the By-law not be forwarded to City Council for passage until the applicant has received final approval of a land severance through Regional Land Division Committee."

NOTE: On 1988 November 8, City Council approved a modification to "C" District zoning to permit the severance of the subject lands for two single family dwellings.

The applicant has received approval from the Land Division Committee for the severance but the conditions of the severance cannot be executed until the lands have been rezoned. Accordingly, the condition, as set out in Subsection (b), has been fulfilled to the satisfaction of the Planning and Development Department.

- The Committee then adjourned and moved to the City Hall Council Chambers for the purpose of hearing Zoning Applications.

Adjourn to Council
Chambers.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 January 17 respecting Zoning Application 87-92, for property at 318 Lockheed Drive and 742 Upper Kenilworth Avenue.

ZA 87-92 -
318 Lockheed Drive
and 742 Upper
Kenilworth.

The Committee **APPROVED** the following:

That **APPROVAL** be given to Zoning Application 87-92, S. Wise Construction Limited, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "D" (Residential - One and Two Family) District, for property at 318 Lockheed Drive and 742 Upper Kenilworth Avenue, as shown on the attached map marked as **APPENDIX "C"**, on the following basis:

- (a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District, to "D" (Residential - One and Two Family) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E59A for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "D" (Residential - One and Two Family) District, for property located at 318 Lockheed Drive and 742 Upper Kenilworth Avenue.

The effect of the By-law is to permit development of the subject lands in conjunction with lands located northerly for a semi-detached dwelling.

The Committee was in receipt of a letter from Mr. Milton J. Lewis, Solicitor for Clement Chan, applicant, with respect to Zoning Application 88-65, for property at 1033 Main Street West. Mr. Lewis requested that this matter be tabled in order that discussion can take place between all parties.

ZA 88-65 -
1033 Main Street
West.

Alderman Kiss, Ward Alderman on the Planning and Development Committee spoke on this matter and asked that a list be compiled of those persons who were in attendance at the meeting in order that she can convene the appropriate meeting. The Committee then agreed to **TABLE** this Zoning Application.

Amended
ZA 88-96 -
987 Rymal Road
East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 February 6 respecting an amended Zoning Application 88-96, for property at 987 Rymal Road East.

The Committee **APPROVED** the following:

That **APPROVAL** be given to amended Zoning Application 88-96, Joseph Venditti, prospective owner, requesting a change in zoning from "L-c" (Planned Development - Commercial) District to "HH" (Restricted Community Shopping and Commercial) District to permit the construction of a two storey commercial office building having a total gross floor area of approximately 1,755m² (18,900 sq.ft.), for property located at 987 Rymal Road East, as shown on the attached map marked as **APPENDIX "D"**, on the following basis:

- (a) That the subject lands be rezoned from the "L-c" (Planned Development - Commercial) District to the "HH" (Restricted Community Shopping and Commercial) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-49D and E-49E for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from the "L-c" (Planned Development - Commercial) District to the "HH" (Restricted Community Shopping and Commercial) District, for lands located at 987 Rymal Road East.

The effect of the By-law is to permit the demolition of the existing dwelling, and the construction of a 2 storey general office building having a total gross floor area of approximately 1,755m² (18,900 sq.ft.)

Amended
ZA 88-97 -
204-214 Hess
Street North.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 February 8 respecting an amended Zoning Application 88-97, for property at 204-214 Hess Street North.

The Committee **APPROVED** the following:

That **APPROVAL** be given to amended Zoning Application 88-97, Love Produce Distributors Ltd., owner, requesting a change in zoning from "G-3" (Public Parking Lots) District modified to "RT-30" (Street Townhouse) District modified to permit the development of a street townhouse dwelling having 5 single-family dwelling units on lands located at 204-214 Hess Street North, as shown on the attached map marked as **APPENDIX "E"**, on the following basis:

- (a) That the subject lands be rezoned from "G-3" (Public Parking Lots) District modified to "RT-30" (Street-Townhouse) District;
- (b) That the "RT-30" (Street-Townhouse) District regulations as contained in Section 10F of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 10F(4)(a) a front yard depth of not less than 4.2m shall be provided from Hess Street North, provided that the entrance to any garage shall be setback not less than 6.0m from Hess Street North, and a front yard depth of not less than 1.2m shall be provided from Windsor Street;
 - (ii) That notwithstanding Section 10F(4)(b) a rear yard depth of not less than 4.0m shall be provided;
 - (iii) That notwithstanding Section 10F(4)(c) a side yard width of not less than 1.2m shall be provided along the northerly lot line;

- (iv) That notwithstanding Section 10F(6)(i) a lot area of not less than 100m² shall be provided for each single-family dwelling unit;
- (v) That a visual barrier not less than 1.2m in height and not greater than 2.0m in height be provided and maintained along the rear lot line and northerly side lot line;
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1115, and that the subject lands on Zoning District Map W-3 be notated S-1115;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-3 for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (f) That the approved Central Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Attached Housing".

NOTE: The purpose of the By-law is to provide for a change in zoning from "G-3" (Public Parking Lots) District modified to "RT-30" (Street-Townhouse) District for lands located at 204-214 Hess Street North.

The effect of the By-law is to permit the redevelopment of the subject lands for a street-townhouse dwelling having a maximum of five (5) single-family dwelling units. In addition, the By-law provides for several modifications as special requirements.

The Committee was in receipt of an added report from the City Treasury dated 1989 February 10 respecting a Final Release of Holdback.

The Committee **APPROVED** the following:

That total holdback in the amount of \$136,823.74 **BE RELEASED** to Delmar Contracting Ltd. for the substantial performance of the contract, P. O. 31234, for the Downtown Hamilton Action Plan Phase V pending receipt by the Treasury Department of the standard release forms from the contractor and City Solicitor.

The Committee was in receipt of a recommendation from the Commissioner of Planning and Development dated 1989 February 8 respecting amended Zoning Application 88-117, for property at 1249 Stone Church Road East.

The Committee **APPROVED** the following:

- (a) That **APPROVAL** be given to Official Plan Amendment No. 71 to establish a "Special Policy Area" to permit limited commercial uses on the subject lands, and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That **APPROVAL** be given to amended Zoning Application 88-117, Carlo Del-Sordo, owner, for a modification to the "M-13" (Prestige Industrial) District to permit additional commercial uses on the property located at No. 1249 Stone Church Road East, as shown on the attached map marked as **APPENDIX "F"**, on the following basis:
 - (i) That the "M-13" (Prestige Industrial) District regulations as contained in Section 17E of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as a special requirement:

**Final Release of
Holdback -
Delmar
Contracting -
Downtown Action Plan.**

**Amended ZA 88-117 -
1249 Stone Church
Road East.**

- (1) That in addition to the uses permitted in Section 17E(1) of By-law No. 6593, the following commercial uses shall also be permitted:

| <u>Use</u> | <u>S.I.C. Identification</u> |
|--|----------------------------------|
| (A) Office and Store Machinery, Equipment and Supplies, Wholesale | 5791 |
| (B) Liquor Stores | 6021 |
| (C) Wine Stores | 6022 |
| (D) Beer Stores | 6023 |
| (E) Appliance, Television, Radio and Stereo Stores | 6221 |
| (F) Home and Auto Supply Stores | 6341 |
| (G) General Stores | 6412 |
| (H) Hardware Stores | 6531 |
| (I) Other Banking-Type Intermediaries | 7029 |
| (J) Insurance and Real Estate Agencies | 7611 |
| (K) Office of Chartered and Certified Accountants | 7731 |
| (L) Restaurants, Licenced | 9211 |
| (M) Taverns, Bars and Night Clubs | 9221 |
| (N) Self-Serve Laundries and/or Dry Cleaners | 9723 |
| (O) Combination Barber and Beauty Shops | 9713 |
| (P) Offices of Chiropractors and Osteopaths | 8661 |

- (2) That notwithstanding Section 17E(2)(b)1(ii) a side yard having a width of not less than 3.0 metres shall be provided and maintained along the westerly lot line.

- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1116, and that the subject lands on Zoning District Map E-59C be notated as S-1116.
- (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59C for submission to City Council.
- (iv) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 71 by the Regional Municipality of Hamilton-Wentworth.

NOTE: The purpose of this By-law is to provide for a modification to the "M-13" (Prestige Industrial) District regulations for property located at 1249 Stone Church Road East.

The effect of the By-law is to permit, in addition to the "M-13" (Prestige Industrial) District uses, several additional commercial uses.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 February 6 respecting Zoning Application 88-120, for property at 75 Centennial Parkway North.

ZA 88-120 -
75 Centennial
Parkway North.

The Committee was also in receipt of a letter of objection to this application from Mr. A. Abram (no date or address affixed).

Mr. O. Ferguson, 770 Queenston Road spoke to the Committee in objection to this application. He indicated that dancing would create an increased noise level and would contribute to excess traffic in the area.

The applicant then spoke to the Committee on his application and the Committee **APPROVED** the following:

That **APPROVAL** be given to Zoning Application 88-120, Cadillac Fairview Corporation Limited, owner, requesting a further modification to the established "G-1" (Designed Shopping Centre) District, to permit dancing in conjunction with a restaurant for property located at 75 Centennial Parkway North, as shown on the attached map marked as **APPENDIX "G"**, on the following basis:

- (a) That the "G-1" (Designed Shopping Centre) District, regulations as contained in Section 13A of Zoning By-law No. 6593 as amended by By-law No. 71-97, applicable to the subject lands, be further modified to include the following variance as a special requirement:
 - (i) Notwithstanding Section 13A.(1)(iii) and Section 13.(1)(vii) a restaurant or refreshment room with dancing or other entertainment shall be permitted;
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-199a, and that the subject lands on Zoning District Maps E-104 and E-105 be notated as S-199a;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-104 and E-105 for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a further modification to the established "G-1" (Designed Shopping Centre) District regulations for lands located at 75 Centennial Parkway North.

The effect of the By-law is to permit dancing in conjunction with a restaurant (Moviola Cafe) located within 75 Centennial Parkway North (Eastgate Square).

There being no further business, the meeting then adjourned.

Adjournment.

Taken as read and approved.

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1989 February 15

Thursday, 1989 February 16
3:00 o'clock p.m.
Room 233, City Hall

A special meeting of the Planning and Development Committee was held.

There were present: Alderman J. Smith, Chairman
Mayor Robert M. Morrow
Alderman D. Christopherson
Alderman M. Kiss
Alderman D. Ross
Alderman W. McCulloch

Regrets: Alderman F. Lombardo, Vice-Chairman - Vacation
Alderman B. Hinkley
Alderman H. Merling - Regional Business

Also present: Mr. L. Sage, Chief Administrative Officer
Mr. R. Roszell, City Solicitor's Department
Mr. Prehogan, Weir & Foulds, Barristers & Solicitors
Mrs. Susan K. Reeder, Secretary

Mr. Prehogan, was in attendance at this special meeting of the Planning and Development Committee for the purpose of discussing the City of Hamilton ats Butler, et al case.

The Committee then moved to go into an **IN CAMERA** session to discuss a matter of a private and confidential nature.

The Committee then moved **OUT OF CAMERA** and **APPROVED** the following:

That no appeal be made by the City of Hamilton on the recent court decision respecting the City of Hamilton ats Butler, et al respecting the Library/Farmer's Market.

The Committee was in receipt of an added report from the City Solicitor dated 1989 February 15 respecting City Litigation File - Payment of Weir & Foulds for professional services for the month of 1989 January.

The Committee **APPROVED** the following:

That the account of Weir & Foulds, Barristers and Solicitors, dated 1989 January 31, in the amount of \$45,019.77 **BE APPROVED**.

NOTE: This account covers their litigation services for the City for the month of 1989 January.

There being no further business, the meeting then adjourned.

Taken as read and approved.

**ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**

**Susan K. Reeder
Secretary
1989 February 16**

Presentation -
Mr. Prehogan,
Weir & Foulds,
Barristers &
Solicitors.

Payment of account -
Weir & Foulds.

Adjournment.

FOR ACTION

2.

REPORT TO: The Planning and Development Committee

FROM: P. Kuppe, Building Commissioner

DATE: February 22, 1989

COMM. FILE:

DEPT. FILE:

SUBJECT:

Demolition

RECOMMENDATION:

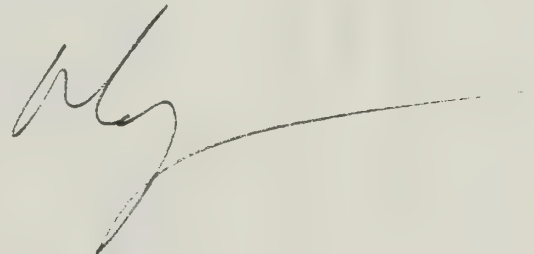
That the Building Commissioner be authorized to issue a demolition permit for the following property: -

A. 179 Young Street

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheet.

A handwritten signature in dark ink, appearing to be 'P. Kuppe', is written over the 'FINANCIAL IMPLICATIONS' section.

FOR ACTION

3.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. P. Kuppe
Building Commissioner

DATE: 1989 February 21

COMM FILE:

DEPT FILE: 88.4.2.3.

SUBJECT: By-Law 87-312, Appointment of Inspectors

RECOMMENDATION:

a) That the City Solicitor be authorized to amend By-Law 87-312, Section 9(a) by adding the following names:

i) Steve Teal

ii) Michael Verboom

and by deleting the following names:

i) Michael Reilly

ii) Bernardo Agro

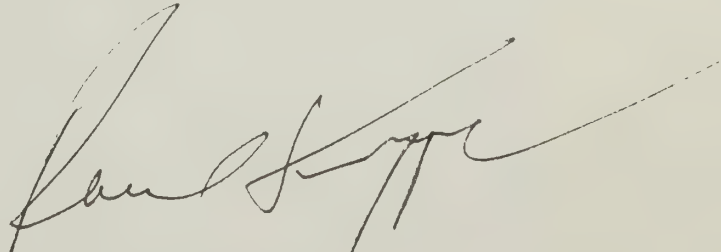
iii) Donald Bodnar

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

Because of recent changes in the staff of the Building Department, By-law 87-312 needs to be amended to accommodate these changes.



FOR ACTION

4.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director

DATE: 1989 February 22
COMM FILE:
DEPT FILE: 800-0014.7

SUBJECT: Revised Board of Management;
Concession Street B.I.A.

RECOMMENDATION:

(a) That, By-law 86-144 appointing the Concession Street B.I.A. Board of Management be amended to add the following names:

E. McKay Royal Bank

(b) That, the City Solicitor be authorized and directed to amend By-law 86-144 pursuant to (a) above.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

BACKGROUND:

At the Board of Management Meeting of 1989 January 18, E. McKay was appointed to the vacant directorship and position of Treasurer, as per attached.



ROSS SOMERVILLE
PRESIDENT,
BOARD OF MANAGEMENT,
CONCESSION STREET
BUSINESS IMPROVEMENT AREA
603 CONCESSION ST.,
HAMILTON, ONT.
L8V 1B4
BUS: 383-2822
PERSONAL 383-7961

Feb 9-89

Dear Sir or Madam

RECEIVED

DATE Feb 13/89

FILE NO 800-0014.7

LETTER NO 940-46

FILE 89/2/13

This is to inform you that at our board meeting of Jan 18-89.

Ellen M^c Kay of the Royal Bank branch at Concession St. Summit was accepted as a board member, and will hold office of treasurer.

Thanking You

I Remain

George C Barker
(chairman)

F O R A C T I O N

5.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director

DATE: 1989 February 15

DEPT FILE: FACADE 63

SUBJECT: Commercial Facade Loan Programme -
1059-1065 King Street West, Hamilton.

RECOMMENDATION:

That a repayable loan, in the amount of fifty thousand dollars (\$50,000.) be approved for John Mouskos, 1059-1065 King Street West. The interest rate will be 6 1/8 percent, amortized over 10 years.

E. Kowalski

FINANCIAL IMPLICATIONS (IF NONE, N/A)

N/A

BACKGROUND

The owner of 1059-1065 King Street West has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property, as per the Property Standards By-law 74-74, and the necessary repairs have been included.

The Westdale Business Improvement Area has reviewed the plans and approved the work which is to be undertaken by the owner.

The Department of Community Development therefore recommends the approval of a Commercial Facade Loan to John Mouskos for improvements to 1059-1065 King Street West in the amount of \$50,000. The loan will be amortized over a 10 year period at 6 1/8 percent interest. The monthly payments will be \$558.28, and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

F O R A C T I O N

6.

REPORT TO: Susan K. Reeder, Secretary
Planning & Development Committee

FROM: E. W. Kowalski, Director
Department of Community Development

DATE: 1989 February 9
DEPT FILE: 800-0300

SUBJECT: Ontario Home Renewal Programme (O.H.R.P.)

RECOMMENDATION:

That the Director of Community Development be authorized to process the following grant/loan(s) in the amounts not to exceed \$7,500. The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND:

The applications listed below are currently being processed for a grant and/or loan pursuant to an amendment to The Housing Development Act, Regulation 506 (R.R.O. 1980).

For the information of the members of the Committee, the total number of applications to date under the Ontario Home Renewal Programme is three thousand, eight hundred and forty-six (3,846).

- (a) Nancy MacBride
46 East 16th Street
- (b) Tekla Andrezejczuk
58 Barnesdale Ave. S.

FOR ACTION

7.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

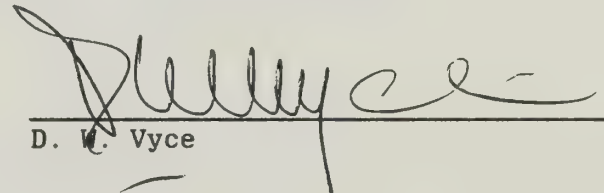
FROM: Mr. D. W. Vyce
Director of Property

DATE: 1989 February 13
COMM FILE:
DEPT FILE: 40.15.62
(4504)

SUBJECT: Release of Building Covenants - Tuite Construction
Limited - 42 Keefer Court, Hamilton, Ontario
Parts 15 & 16, Plan 62R-7820 - Kenora Industrial Park

RECOMMENDATION:

That the City Solicitor be authorized to prepare a Quit Claim Deed from the City of Hamilton to the present owners of 42 Keefer Court, Hamilton, Ontario to release the property from the construction covenants to the City as contained in deed number 436686 C.D.


D. W. Vyce

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

In adopting Item 16 of the Twelfth Report of the Planning & Development Committee, City Council on June 23, 1987, authorized the sale of Parts 15 and 16, Registered Plan 62R-7820 to Tuite Construction Limited. The transaction was completed on November 25, 1987. Their proposed building is now completed.

This Department supports the request of the owner, that the City of Hamilton release the construction covenants contained in deed number 436686 C.D. in order to clear the title.

All the covenants as noted above have been fulfilled.

c.c. Mr. K. A. Rouff, City Solicitor

F O R A C T I O N

8.

REPORT TO: S. REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER
 COMMISSIONER OF ENGINEERING

DATE: 1988 February 07
COMM FILE:
DEPT FILE: E205-05
I.D. 0246D(65)

SUBJECT

Call B.U.D. Signs - Subdivision Agreements

RECOMMENDATION

- a) That the City's Subdivision Agreement be amended requiring the Subdivider to erect a "Call B.U.D." sign in conjunction with the present required sign showing land use, with the sign to be supplied by the utility companies.

G. S. Spencer
Commissioner of Engineering

BACKGROUND

The utility companies are experiencing considerable underground plant damages because various people excavate before requesting the companies to locate their facilities. The "Call B.U.D." system is a one phone number, one-call system which automatically triggers all utilities to locate in the field their plant prior to excavation. This service is provided free of charge.

The proposal is that the subdivider mount a sign, to be provided free by the utilities, in conjunction with the sign now required by the City of Hamilton. The purpose of the sign is to advertise this one-call system, and that this requirement be added to the Subdivision Agreement.

KAB:cab.

F O R A C T I O N

9.

REPORT TO: MRS. S. REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER,
 COMMISSIONER OF ENGINEERING

DATE: February 21, 1989
COMM FILE:
DEPT FILE: E205-05
ID#0043D (43)


SUBJECT

Enforcement of Subdivision Agreements.

RECOMMENDATIONS

The City Solicitor be authorized and directed to take all necessary steps, including Court action, to force subdividers to comply with the City's Subdivision Agreement once the Solicitor has been informed by the Building Commissioner or the Commissioner of Engineering that a subdivider has defaulted on a Subdivision Agreement; and,

A general by-law setting out the above directive be prepared by the City Solicitor and be submitted to the Planning and Development Committee for approval.



G. S. Spencer
Commissioner of Engineering

BACKGROUND

The section pertaining to grading in the City's Subdivision Agreement is based on the principle that the subdivider's engineer will provide to the City a certificate when grading has been completed satisfactorily. City Council intentionally, and with the support of City staff, decided on this procedure in order to avoid additional staff and funds to survey each lot and parcel. Instead the onus is placed on the subdivider to prove that the grading complies with the original plan.

Under these agreements a default occurs when the certificate is not delivered on a specific date. The assumption by Committee and staff in implementing the procedure was that Court action would be commenced upon default; otherwise, there would be little incentive for subdividers to rectify grading difficulties.

Con't....

February 21, 1989

Con't

Over the last several years the subdivisions listed below became overdue in the delivering of grading certificates and have been turned over to the Solicitor for further action.

- 1) Aspen Estates - Phase 3
- 2) Aspen Estates - Phase 4
- 3) Aquila Place
- 4) Bayview Glen Estates (6-87)
- 5) Corad Estates - Phase 1
- 6) Corad Estates - Phase 2
- 7) Chateau Estates Addition
- 8) Courtland Estates
- 9) DiCenzo Gardens - Phase 1
- 10) Eleanor Gardens Phase 5
- 11) Eleanor Gardens Add'n - Phase 5
- 12) Glen Arms Manor - Phase 2
- 13) Gagliano Gardens
- 14) Greenhill Gardens - Phase 1
- 15) Greenhill Gardens - Phase 2
- 16) Hillside Terrace - Phase 2
- 17) Hillside Terrace - Phase 3
- 18) Mohawk Gardens - Phase 3. Stage 1
- 19) Nash Orchards Hts. North
- 20) Oakland Park Extention No. 4
- 21) Paradise Acres - Phase 1
- 22) Paradise Acres - Phase 2
- 23) Paradise Park Estates
- 24) Park Plaza Estates - Phase 3
- 25) Rexford Hts. - Phase 1
- 26) Ronnie Gardens - Phases 1 & 2
- 27) Thorner No. 3
- 28) Trenholme Survey

There are very few grading deficiencies of a serious nature if one gives due weight to the number of lots and buildings involved. The vast majority appear to be satisfactory, or have been changed by the present land owners. However, under the City Council's policy, City staff do not carry out all investigations. Instead, the subdividers are supposed to provide the City with the previously described certificate.

The City's Legal Department has informed us in a letter dated 89 February 08, a copy of which was sent to the Committee members by that Department, that they are unable to take further action without a directive from Council. The purpose of this report is to seek the necessary authority for the Legal Department to defend the City's Subdivision Agreement.

Con't

Page 3 -

February 21, 1989

Con't

The recommendation authorizing and directing the Legal Department to pursue the enforcement of the City's agreements is in the form of a general instruction because it is assumed that Council wishes all Subdivision Agreements enforced without delay. Separate reports to Committee on individual subdivisions would only delay the process. If Committee wishes, the Solicitor could report on the individual subdivisions after action against the subdividers has commenced, without delaying the process.

RB:lp

F O R A C T I O N

10.

REPORT TO: MS. S. REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER,
COMMISSIONER OF ENGINEERING

DATE: February 21, 198
COMM FILE:
DEPT FILE: S708-54
ID#0043D (37)

SUBJECT:

"HIGHRIDGE HILLS - STAGE 2", Hamilton
(Cash payment in lieu of 5% Parkland Dedication)

RECOMMENDATION

That the City of Hamilton accept the sum of \$40,000 as cash payment in lieu of 5% dedication in connection with "HIGHRIDGE HILLS - STAGE 2", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

G. S. Spencer

G. S. Spencer
Commissioner of Engineering

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The owner of the lands for the above referenced subdivision will be executing a Subdivision Agreement with City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedure, the City and Regional staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$40,000.

Note: These lands are located east of Upper Sherman Avenue and north of Stone Church Road in the Randall Neighbourhood.

DVC:lp
Attach.

cc: D.J. Consoli, City Treasury Department
B. Loreto, City Solicitors Office

PLAN 62M-

I CERTIFY THAT THIS PLAN WAS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES AT 10:00 O'CLOCK ON THE 21ST DAY OF 1988 AND ENTERED IN THE REGISTER FOR PARCELS 1988-11-11 AND REQUIRED COORDINATES AND ATTENDANTS ARE REGISTERED AS PLAN DOCUMENT NO. 40820-1.

LAND REGISTRY
1000-11-11-11
1000-11-11-11

THIS PLAN WAS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES AT 10:00 O'CLOCK ON THE 21ST DAY OF 1988 AND ENTERED IN THE REGISTER FOR PARCELS 1988-11-11 AND REQUIRED COORDINATES AND ATTENDANTS ARE REGISTERED AS PLAN DOCUMENT NO. 40820-1.

Highridge Mills - stage two

BEING A SUBDIVISION OF
PART OF LOT 8 - CONCESSION 7
IN THE FORMER
TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WESTWORTH

J. D. BARNES LIMITED 1988

SCALE 1:1000

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CURVE TABLE

| STATION | CHORD BEARING | CHORD DISTANCE | ARC BEARING | ARC DISTANCE | CHORD BEARING | CHORD DISTANCE | ARC BEARING | ARC DISTANCE |
|---------|------------------|----------------|--------------|--------------|------------------|----------------|--------------|--------------|
| 1 | N 10° 00' 00" E | 100.00 | 10° 00' 00" | 100.00 | N 10° 00' 00" E | 100.00 | 10° 00' 00" | 100.00 |
| 2 | N 20° 00' 00" E | 100.00 | 20° 00' 00" | 100.00 | N 20° 00' 00" E | 100.00 | 20° 00' 00" | 100.00 |
| 3 | N 30° 00' 00" E | 100.00 | 30° 00' 00" | 100.00 | N 30° 00' 00" E | 100.00 | 30° 00' 00" | 100.00 |
| 4 | N 40° 00' 00" E | 100.00 | 40° 00' 00" | 100.00 | N 40° 00' 00" E | 100.00 | 40° 00' 00" | 100.00 |
| 5 | N 50° 00' 00" E | 100.00 | 50° 00' 00" | 100.00 | N 50° 00' 00" E | 100.00 | 50° 00' 00" | 100.00 |
| 6 | N 60° 00' 00" E | 100.00 | 60° 00' 00" | 100.00 | N 60° 00' 00" E | 100.00 | 60° 00' 00" | 100.00 |
| 7 | N 70° 00' 00" E | 100.00 | 70° 00' 00" | 100.00 | N 70° 00' 00" E | 100.00 | 70° 00' 00" | 100.00 |
| 8 | N 80° 00' 00" E | 100.00 | 80° 00' 00" | 100.00 | N 80° 00' 00" E | 100.00 | 80° 00' 00" | 100.00 |
| 9 | N 90° 00' 00" E | 100.00 | 90° 00' 00" | 100.00 | N 90° 00' 00" E | 100.00 | 90° 00' 00" | 100.00 |
| 10 | N 100° 00' 00" E | 100.00 | 100° 00' 00" | 100.00 | N 100° 00' 00" E | 100.00 | 100° 00' 00" | 100.00 |
| 11 | N 110° 00' 00" E | 100.00 | 110° 00' 00" | 100.00 | N 110° 00' 00" E | 100.00 | 110° 00' 00" | 100.00 |
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| 13 | N 130° 00' 00" E | 100.00 | 130° 00' 00" | 100.00 | N 130° 00' 00" E | 100.00 | 130° 00' 00" | 100.00 |
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| 23 | N 230° 00' 00" E | 100.00 | 230° 00' 00" | 100.00 | N 230° 00' 00" E | 100.00 | 230° 00' 00" | 100.00 |
| 24 | N 240° 00' 00" E | 100.00 | 240° 00' 00" | 100.00 | N 240° 00' 00" E | 100.00 | 240° 00' 00" | 100.00 |
| 25 | N 250° 00' 00" E | 100.00 | 250° 00' 00" | 100.00 | N 250° 00' 00" E | 100.00 | 250° 00' 00" | 100.00 |
| 26 | N 260° 00' 00" E | 100.00 | 260° 00' 00" | 100.00 | N 260° 00' 00" E | 100.00 | 260° 00' 00" | 100.00 |
| 27 | N 270° 00' 00" E | 100.00 | 270° 00' 00" | 100.00 | N 270° 00' 00" E | 100.00 | 270° 00' 00" | 100.00 |
| 28 | N 280° 00' 00" E | 100.00 | 280° 00' 00" | 100.00 | N 280° 00' 00" E | 100.00 | 280° 00' 00" | 100.00 |
| 29 | N 290° 00' 00" E | 100.00 | 290° 00' 00" | 100.00 | N 290° 00' 00" E | 100.00 | 290° 00' 00" | 100.00 |
| 30 | N 300° 00' 00" E | 100.00 | 300° 00' 00" | 100.00 | N 300° 00' 00" E | 100.00 | 300° 00' 00" | 100.00 |
| 31 | N 310° 00' 00" E | 100.00 | 310° 00' 00" | 100.00 | N 310° 00' 00" E | 100.00 | 310° 00' 00" | 100.00 |
| 32 | N 320° 00' 00" E | 100.00 | 320° 00' 00" | 100.00 | N 320° 00' 00" E | 100.00 | 320° 00' 00" | 100.00 |
| 33 | N 330° 00' 00" E | 100.00 | 330° 00' 00" | 100.00 | N 330° 00' 00" E | 100.00 | 330° 00' 00" | 100.00 |
| 34 | N 340° 00' 00" E | 100.00 | 340° 00' 00" | 100.00 | N 340° 00' 00" E | 100.00 | 340° 00' 00" | 100.00 |
| 35 | N 350° 00' 00" E | 100.00 | 350° 00' 00" | 100.00 | N 350° 00' 00" E | 100.00 | 350° 00' 00" | 100.00 |
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| 37 | N 370° 00' 00" E | 100.00 | 370° 00' 00" | 100.00 | N 370° 00' 00" E | 100.00 | 370° 00' 00" | 100.00 |
| 38 | N 380° 00' 00" E | 100.00 | 380° 00' 00" | 100.00 | N 380° 00' 00" E | 100.00 | 380° 00' 00" | 100.00 |
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| 41 | N 410° 00' 00" E | 100.00 | 410° 00' 00" | 100.00 | N 410° 00' 00" E | 100.00 | 410° 00' 00" | 100.00 |
| 42 | N 420° 00' 00" E | 100.00 | 420° 00' 00" | 100.00 | N 420° 00' 00" E | 100.00 | 420° 00' 00" | 100.00 |
| 43 | N 430° 00' 00" E | 100.00 | 430° 00' 00" | 100.00 | N 430° 00' 00" E | 100.00 | 430° 00' 00" | 100.00 |
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| 50 | N 500° 00' 00" E | 100.00 | 500° 00' 00" | 100.00 | N 500° 00' 00" E | 100.00 | 500° 00' 00" | 100.00 |
| 51 | N 510° 00' 00" E | 100.00 | 510° 00' 00" | 100.00 | N 510° 00' 00" E | 100.00 | 510° 00' 00" | 100.00 |
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| 58 | N 580° 00' 00" E | 100.00 | 580° 00' 00" | 100.00 | N 580° 00' 00" E | 100.00 | 580° 00' 00" | 100.00 |
| 59 | N 590° 00' 00" E | 100.00 | 590° 00' 00" | 100.00 | N 590° 00' 00" E | 100.00 | 590° 00' 00" | 100.00 |
| 60 | N 600° 00' 00" E | 100.00 | 600° 00' 00" | 100.00 | N 600° 00' 00" E | 100.00 | 600° 00' 00" | 100.00 |
| 61 | N 610° 00' 00" E | 100.00 | 610° 00' 00" | 100.00 | N 610° 00' 00" E | 100.00 | 610° 00' 00" | 100.00 |
| 62 | N 620° 00' 00" E | 100.00 | 620° 00' 00" | 100.00 | N 620° 00' 00" E | 100.00 | 620° 00' 00" | 100.00 |
| 63 | N 630° 00' 00" E | 100.00 | 630° 00' 00" | 100.00 | N 630° 00' 00" E | 100.00 | 630° 00' 00" | 100.00 |
| 64 | N 640° 00' 00" E | 100.00 | 640° 00' 00" | 100.00 | N 640° 00' 00" E | 100.00 | 640° 00' 00" | 100.00 |
| 65 | N 650° 00' 00" E | 100.00 | 650° 00' 00" | 100.00 | N 650° 00' 00" E | 100.00 | 650° 00' 00" | 100.00 |
| 66 | N 660° 00' 00" E | 100.00 | 660° 00' 00" | 100.00 | N 660° 00' 00" E | 100.00 | 660° 00' 00" | 100.00 |
| 67 | N 670° 00' 00" E | 100.00 | 670° 00' 00" | 100.00 | N 670° 00' 00" E | 100.00 | 670° 00' 00" | 100.00 |
| 68 | N 680° 00' 00" E | 100.00 | 680° 00' 00" | 100.00 | N 680° 00' 00" E | 100.00 | 680° 00' 00" | 100.00 |
| 69 | N 690° 00' 00" E | 100.00 | 690° 00' 00" | 100.00 | N 690° 00' 00" E | 100.00 | 690° 00' 00" | 100.00 |
| 70 | N 700° 00' 00" E | 100.00 | 700° 00' 00" | 100.00 | N 700° 00' 00" E | 100.00 | 700° 00' 00" | 100.00 |
| 71 | N 710° 00' 00" E | 100.00 | 710° 00' 00" | 100.00 | N 710° 00' 00" E | 100.00 | 710° 00' 00" | 100.00 |
| 72 | N 720° 00' 00" E | 100.00 | 720° 00' 00" | 100.00 | N 720° 00' 00" E | 100.00 | 720° 00' 00" | 100.00 |
| 73 | N 730° 00' 00" E | 100.00 | 730° 00' 00" | 100.00 | N 730° 00' 00" E | 100.00 | 730° 00' 00" | 100.00 |

11.

FOR ACTION

REPORT TO: Mrs. S. Reeder, Secretary
Planning and Development Committee

FROM: Miss C. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 February 22

COMM FILE:

DEPT FILE:

SUBJECT: DESIGNATION OF 256-258 MAC NAB STREET NORTH

RECOMMENDATION:

- a) That approval be given to the "Intent to Designate" 256-258 MacNab Street North as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983.
- b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held 1989 February 13 gave preliminary approval to designate this property.

All other owners of the row houses 252-262 MacNab Street North, have been contacted about designation eligibility. Any additional requests for designation of these row houses will be included in the recommendation.

Reasons for Designation and the necessary Planning background are attached.

Attached

REASONS FOR DESIGNATION

256-258 Macnab Street North

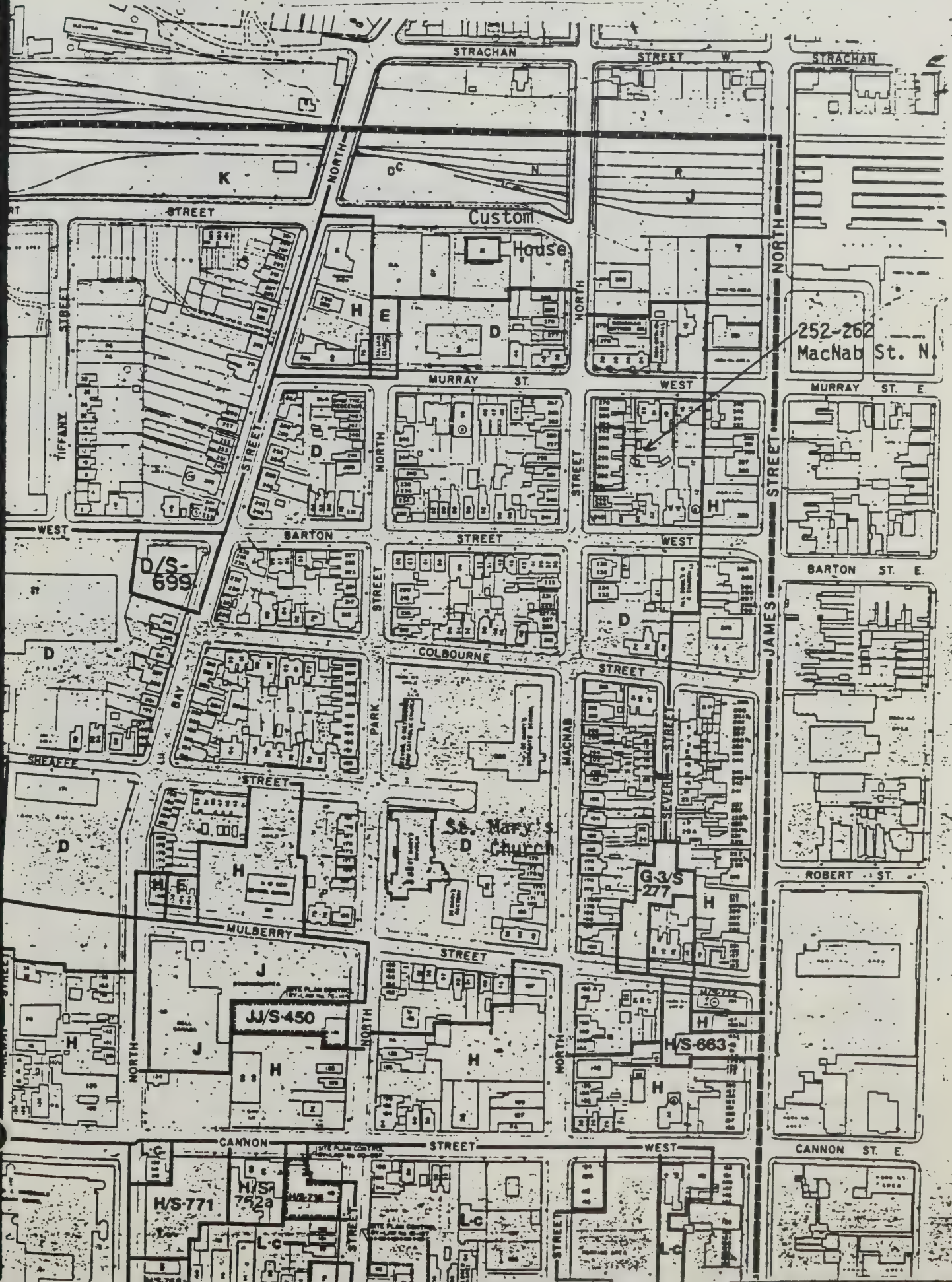
256-258 MacNab Street North represent the two centre units of a 6-unit, 2 1/2 storey brick rowhouse built in 1879-80. Located two blocks south of the Custom House between Murray and Barton Streets, this outstanding Victorian terrace is a well-integrated component of the late nineteenth and early twentieth century residential area surrounding St. Mary's Church. The unusual design and flamboyant character of the MacNab Street North terrace, however, sets it apart from its neighbours and from other Victorian rowhouses in the City.

Designed by the noted Hamilton architect, James Balfour, the terrace at 252-262 MacNab Street North is one-of-a-kind in this city. Its brick masonry construction, gabled bays and segmentally arched windows were characteristic of rowhouses built in Hamilton from the 1880s through the 1910s. Its highly ornate square wooden bays decorated with bracketed cornices separating the first and second floor windows and pilasters framing the tall paired windows, however, appear to have been inspired by the all-wood Italianate houses and rowhouses built in San Francisco and other west and east coast American cities throughout the 1870s. The charm and uniqueness of the MacNab terrace derives from Balfour's skilful blending of forms and details borrowed from two quite distinct vernacular row housing traditions. The first two floors of the wooden bays, strikingly similar in design to San Francisco Italianate houses, are crowned by steep-pitched gables decorated with bargeboard, a typical High Victorian Gothic feature characteristic of 1880s row housing in Hamilton. The roofline is also punctuated by steep gabled dormers. The roofs and railings of the porches set between the square bays do not appear to have been part of Balfour's original design. A distinguishing feature of the centre two units is the carriage entrance which separates them at the ground floor level and visually divides the terrace into two 3-bay segments.

Historically, the row is important for its association with Henry J. Larkin, a barrister and developer who built the fine Renaissance Revival commercial block on James Street North known as Treble Hall (originally Larkin Hall), also designed by James Balfour and built in 1879. The MacNab Street North terrace was owned by the Larkin family until 1889 and remained under single ownership until it was subdivided amongst five owners in 1942. Since this time the centre two units, which are connected at the second storey, have been jointly owned.

Of particular importance to the preservation of 256-8 MacNab Street North is the street facade, including the carriage entrance, the ornate wooden bays, the dormers, bargeboard, original doorways and windows, and roofs and chimneys (but excluding the later porch additions).

Central Neighbourhood Map



256-258 MacNab Street North: Planning Information



Current Zoning - "D"- Urban Protected Residential (One-Two Family Dwellings, Townhous

Site Description - Residential area of a mix of detached and row housing, mostly late nineteenth-early twentieth century vintage.

Planning Policies - a) Neighbourhood Plans - Central Area Plan designates the properties as "mixed use".
The Central Neighbourhood Plan designates the the properties as "Residential ,single, double and attached".

b) Official Plan - Designated "Residential" on Schedule "A" of the O.P. Similar densities and types of dwellings are favoured Policy C.7.3 - promotes the restoration and rehabilitation of housing structures exhibiting Architectural or Historical merit. Properties are also within SPECIAL POLICY AREA 3 on Schedule 'B' of the Official Plan. It is the intent of this policy to promote and protect housing in close proximity to downtown.

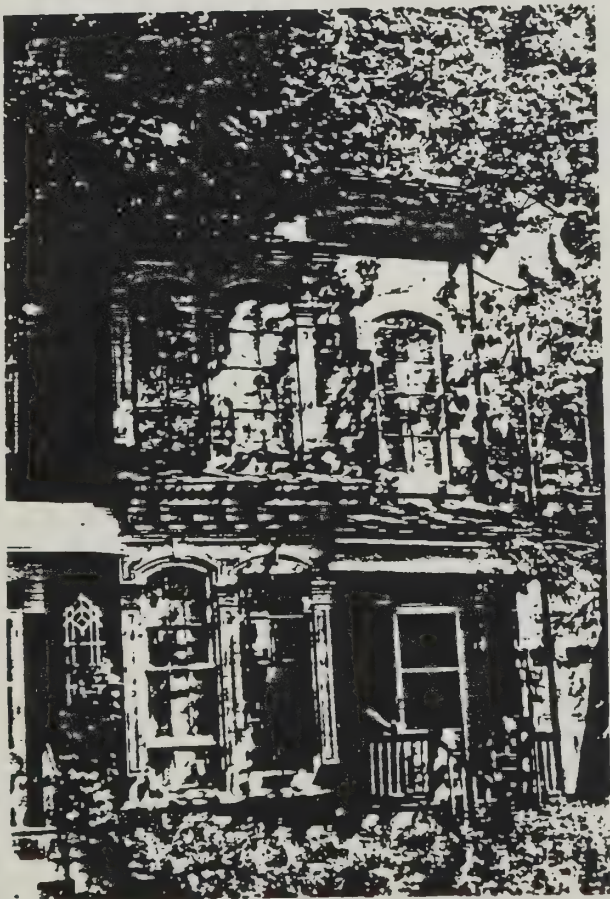
Current Status - October 28, 1988

| | Yes | No |
|-------------------------|-----|----|
| a) Heritage Designation | | x |
| b) Listed Building/s | x | |
| c) Site Plan Control | | x |
| d) Demolition Control | | x |
| e) Zoning Change | | x |

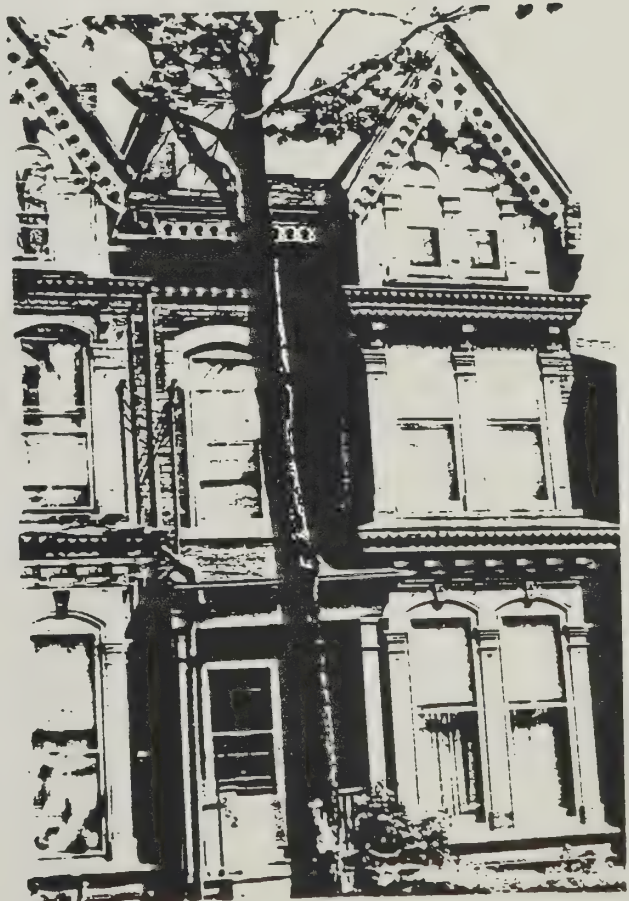
256 MacNab St. N.

252-254

1988



258



254

Early 1970s

FOR ACTION

12.

REPORT TO: Mrs. S. Reeder, Secretary
Planning and Development Committee

FROM: Miss C. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 February 23
COMM FILE:
DEPT' FILE:

SUBJECT: DEMOLITION PERMIT APPLICATION FOR 105 ABERDEEN AVENUE,
A LISTED BUILDING

RECOMMENDATION:

That City Council not support the demolition of 105 Aberdeen Avenue, a listed building.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held 1989 February 13 recommended that LACAC not support the demolition permit for 105 Aberdeen Avenue and approved this property as being eligible for designation pursuant to the Ontario Heritage Act, 1983. Staff have been requested to undertake the necessary research and prepare Reasons for Designation.

The Planning and Development Committee at its meeting held 1989 February 1 referred the demolition permit application for this property to the Local Architectural Conservation Advisory Committee for comment.

The Planning and Development Committee also recommended to City Council that the Demolition Control By-Law be applied to this property.

When the Durand Neighbourhood was inventoried in 1983, this building was rated as worthy of designation.

In 1973, 105 Aberdeen Avenue was given a Category III rating in the Adamson Survey as a building of architectural merit. Anthony Adamson described Category III properties as buildings whose existence should have a bearing on any rezoning or site plan proposal and one to which the City should use influence to see rehabilitated or adequately maintained by the owner(s).

- 2 -

The Research Sub-Committee at its meeting held 1989 January 18 agreed that the house, built in 1893-4 for lawyer P.M. Banbier was worthy of designation and that the initial proposal to convert the existing house to condominiums should be supported.

Photographs and the necessary Planning information are attached.

Attached

Obituary of P.M. Bankier

The Hamilton Spectator October 30, 1899

Patrick MacIndoe Bankier of Ingulenook 39 years of age
after a short illness.

Firm of Crerar, Crerar & Bankier

Born in Glasgow in 1860. He came to Canada in 1880
sponsored by Mr. Crerar. Returned to the University of Glasgow
M.A. 1882

1886 made a partner in the firm.

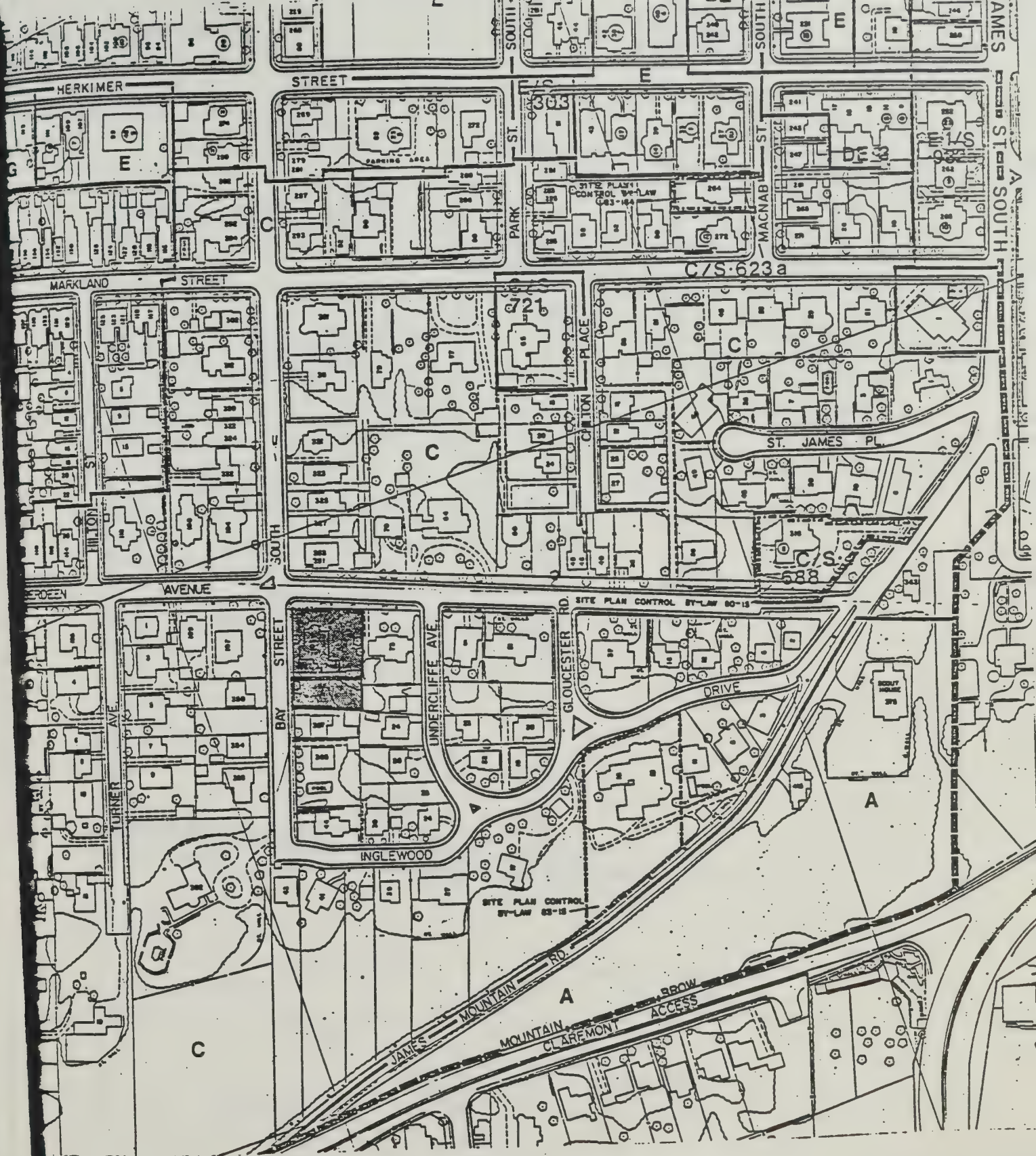
1887 married Miss Stuart, only daughter of Stuart (Bank of Hamilton)

Leaves four children

105 Aberdeen Ave. 1890's Photograph



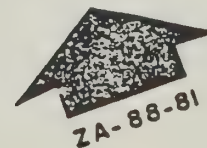
Came Artwork of Hamilton



LEGEND



SITE OF THE APPLICATION



PART OF LOT 15 - CONCESSION 4

SHIPPING OF BARTON

CITY OF HAMILTON

MUNICIPALITY OF HAMILTON - WESTWORTH

FILE NO: H-141-23
DATE: AUGUST 2, 1928
SCALE: N.T.S.

ABERDEEN

AVENUE

ROAD ALLOWANCE BETWEEN CONCESSIONS

120° 22' 0" PLAN 5461 (126.30' MEAS)
N 67° 39' W 126.66' (MEAS)

100.00' (100.00' MEAS)

LAND TO BE
RETAINED
15,403 SQ. FT.

PART 1

INSTRUMENT N° 26773 N.S.

INSTRUMENT N° 241260 C.D.

LAND TO BE
SEVERED
7,881 SQ. FT.
PART 2

LOT 30

INSTRUMENT N° 36113 N.S.

INSTRUMENT N° 139354 C.D.

LOT 28

LOT 31

NOTE: Severance application denied by Land Division Committee on September 27, 1988 (see BACKGROUND - Land Severance)

LOT SIZE AND AREA

The subject property has approximately:

- 38.6 m (126.66 feet) of frontage on Aberdeen Avenue;
- 54.82 m (179.86 feet) of frontage on Bay Street South;
- and 2,112.3 m² (22,738 sq.ft.) of lot area.

LAND USE AND ZONING

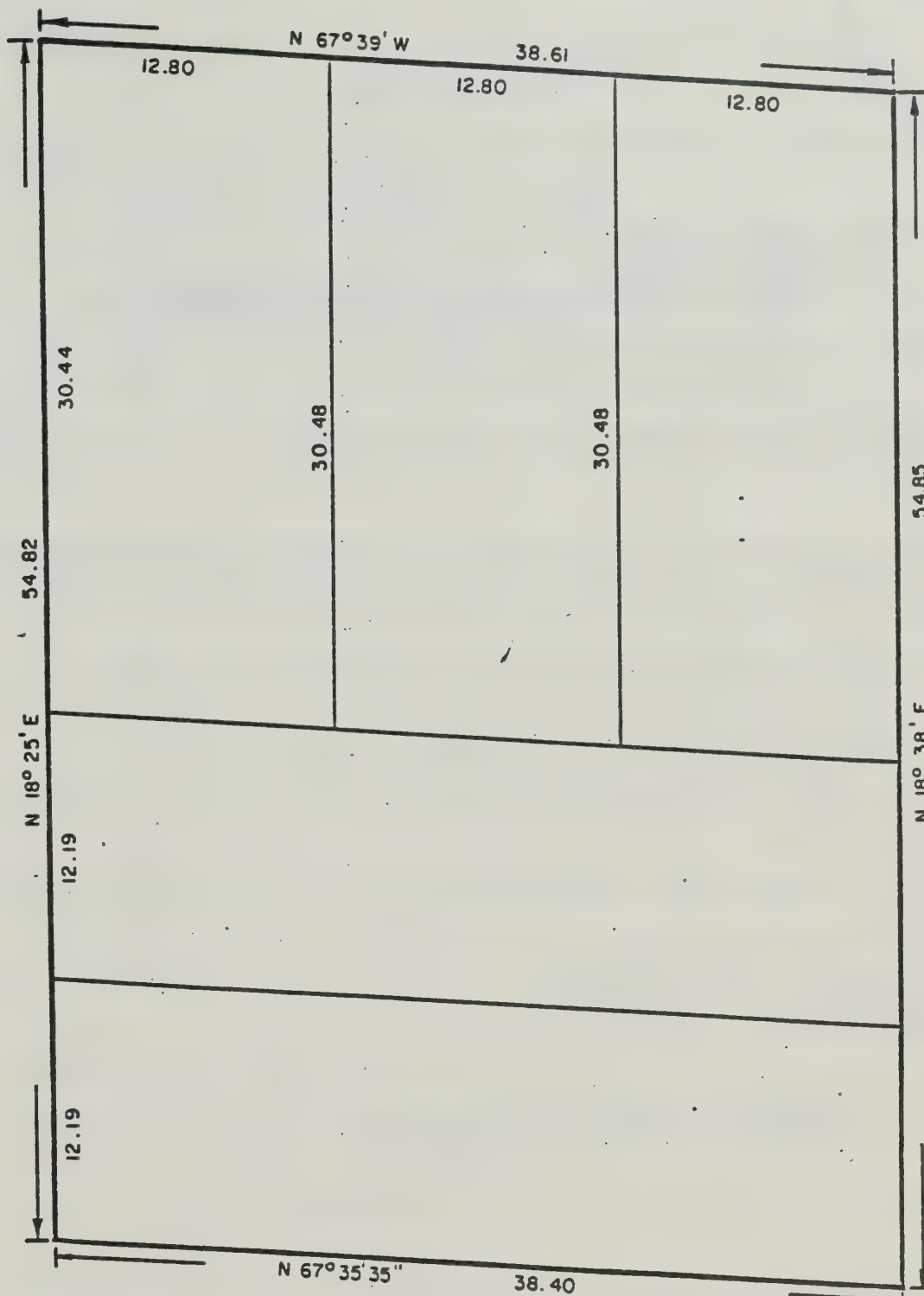
| <u>SUBJECT LANDS</u> | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|-----------------------------|------------------------------|---|
| | Single-family dwelling | "C" (Urban Protected Residential, etc.) District. |
| <u>SURROUNDING LANDS</u> | | |
| to the north | One and Two family dwellings | "C" (Urban Protected Residential, etc.) District. |
| to the south, east and west | Single-family dwellings | "C" (Urban Protected Residential, etc.) District. |

OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. In addition, the subject lands are located within SPECIAL POLICY AREAS "1b" (i.e. Niagara Escarpment) and "3" (Central Policy Area) on Schedule "B" - Special Policy Areas. The proposal does not conflict with the intent of the Plan.

BAY STREET SOUTH

ABERDEEN AVENUE



CITY OF HAMILTON

APPENDIX "C"

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Potential Lot Configuration

North



Scale
NOT TO SCALE

Date
November 30, 1988

Reference File No.
ZA 88 - 81

Drawn By
F.V.

Corporation of the City of Hamilton
Memorandum

TO: Mr. V. Abraham, Director
Local Planning
ATTENTION: Mrs. N. Chapple, Architectural Historian

YOUR FILE:

FROM: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

OUR FILE:
PHONE:

SUBJECT: Listed Property - 105 Aberdeen Avenue

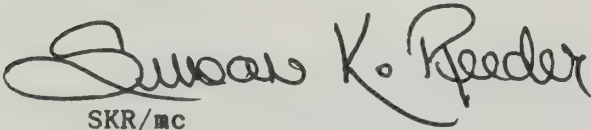
DATE: 1989 February 8

Please be advised that the Planning and Development Committee at its meeting held Wednesday, 1989 February 1, discussed the above-noted property with respect to a Demolition Permit Application.

Following considerable discussion on this matter, the Committee agreed that the provisions of Demolition Control By-law No. 74-290 be applied to this listed building. This recommendation will be going to Hamilton City Council at its meeting to be held Tuesday, 1989 February 14.

The Committee also directed that this matter be forwarded to LACAC for comment on this matter.

Would you please ensure the appropriate action is taken with respect to this matter.



SKR/mc

cc - Alderman J. Smith, Chairman
Planning and Development Committee
- Alderman W. McCulloch, Ward Alderman

FOR ACTION

13.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: ALDERMAN JOHN SMITH
CHAIRMAN
BUSINESS LAND USE ADVISORY BOARD

DATE: 1989 Feb. 13
COMM FILE:
DEPT. FILE: P5-4-3-2-2

SUBJECT:

Business Land Use Advisory Board - two additional members for the Board.

RECOMMENDATION

That Planning and Development Committee recommend to Council that:

- the attached revised Terms of Reference of the Business Land Use Advisory Board (see Appendix I attached) be adopted; and,
- the City Clerk be directed to advertise in the newspaper for two citizen members of the Business Land Use Advisory Board for a term of office to expire with the term of Council.

EXPLANATORY NOTE

The Business Land Use Advisory Board has requested a revision of their Terms of Reference to:

- provide for the additional members at large to be solicited in the same manner as other committees; and,
- correct their original membership to include a representative from the Hamilton and District Building Trades Council.

The Clerk will have to advertise in the newspaper for the two citizen members.

Alderman John Smith
Chairman, Business Land Use
Advisory Board

FINANCIAL IMPLICATIONS

N/A

BACKGROUND AND REPORT

The Business Land Use Advisory Board, at their meeting of January 16, 1989, requested staff to revise the Board's Terms of Reference to include two additional members at large to be added in a similar manner as other Committees (i.e. public notice in the newspaper). This request arose out of a concern that the current membership did not seem to have a strong representation from the industrial community. Solicitation for two new citizen members through a newspaper advertisement may balance the membership accordingly.

Subsequent discussions with the Clerk's Department identified the following steps to be undertaken:

- a resolution from Council supporting the increase of two citizen members to the Board, to be appointed by Council; and,
- a direction for the City Clerk to advertise in the newspaper for two citizen members for the Board, for a term of office to expire with the term of City Council.

It was also brought to the Board's attention that the original Terms of Reference (endorsed by Council March 25, 1986) included "A representative from the Hamilton and District Building Trades Council". A revision of the Terms of Reference, endorsed by Council October 14, 1986, inadvertently omitted this representative. Since there is such a representative on the Board, the Terms of Reference should be corrected accordingly.

CONCLUSION

Given the Business Land Use Advisory Board's concern that:

- the membership should include a stronger representation from the industrial community; and,
- the membership list should be corrected to reflect a representative from the Hamilton and District Building Trades Council;

it is therefore appropriate to revise the Board's Terms of Reference accordingly (see attached Appendix I), and direct the City Clerk to undertake the necessary steps to obtain two new citizen members for the Board.



C.F.:nd
W.P. DOC. 0121P

TERMS OF REFERENCE
FOR THE
BUSINESS LAND USE ADVISORY BOARD
OF THE
CITY OF HAMILTON

- PURPOSE: To advise and make recommendations to the Planning and Development Committee of the City of Hamilton on land use planning issues which may affect the existing business community and/or the expansion thereof in the City of Hamilton with emphasis on the industrial sector.
- MANDATE: To review land use planning issues relating to business (industrial and other uses within industrial areas) concerns, including, but not limited to:
- the Official Plan and amendments;
 - Neighbourhood Plans and secondary plans;
 - text amendments to the Zoning By-law;
 - Provincial legislation changes affecting land use planning for business; and,
 - trends in industry and commerce which should be accommodated in land use planning.
- BOARD MEMBERS:
- Chairman of the Planning and Development Committee or his designate (to serve as Chairman of the Board).
 - A representative from the Chamber of Commerce.
 - Two representatives of the business community recommended by the Chamber of Commerce.
 - A representative from the Hamilton Labour Council.
 - A representative from the Hamilton and District Building Trades Council.
 - A representative from the Ministry of the Environment.
 - The Hamilton-Wentworth Director of Economic Development.
 - The Hamilton-Wentworth Commissioner of Planning and Development.
 - Two citizen members appointed by Council for a term of office to expire with the term of Council.

Support staff will be supplied by the Planning and Development Department who will act as resource personnel. Other staff of the City and Region may be required to attend at the request of the Chairman.

MEETINGS: At the call of the Chairman or as requested by a member of the Board through the Chairman.

COMMUNICATION:
(REPORTING
PROCEDURES)

- The Planning and Development Committee may refer items to the Board.
- The Planning and Development Department will forward items listed under "Mandate" to the Board for its consideration.
- A member may bring forward an item to be considered by the Board.
- Individual persons and/or groups may request, through the Chairman of the Board, to make a presentation.

C.F.:nd
W.P. DOC. 0121P

14.

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1989 FEBRUARY 20
COMM FILE:
DEPT FILES: SA-88-22
25T-88036

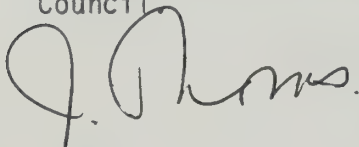
SUBJECT

Draft Plan of Subdivision "Abbey Hill Farm - Phase III"

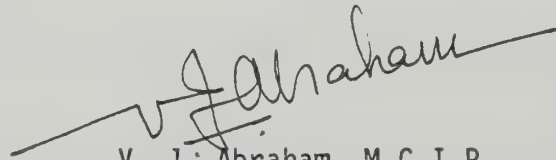
RECOMMENDATION

- a) That approval be given to Application SA-88-22, Shedaco Holdings Ltd., owner, to establish a draft plan of subdivision, south of Rymal Road, west of West 5th Street, subject to the following conditions:
1. That this approval apply to the plan prepared by Ashenhurst Nouwens Ltd., dated October 18, 1988, showing 6 lots and one block (Block "7") as a 0.3m reserve.
 2. That the street be dedicated as public highway on the final plan.
 3. That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 4. That the final plan conform with the Zoning By-law approved under The Planning Act.
 5. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 6. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 7. That the open side of the road allowance (Block "7") created by the plan be terminated in a 0.3m reserve to be conveyed to the City of Hamilton.
 8. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 9. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

- b) That the subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-22) Shedaco Holdings Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

Shedaco Holdings Ltd., c/o Vulco Realty, Hamilton, Ontario

Agent

G. F. Vulker, Hamilton, Ontario

Surveyor

Ashenhurst Nouwens Ltd., Hamilton, Ontario

Location

The lands, comprising 0.314ha, are located south of Rymal Road, west of West 5th Street, in the Kennedy East Neighbourhood, City of Hamilton.

PROPOSAL

The owner proposes to subdivide the lands into 6 lots for single-family dwellings and one block as a 0.3m reserve.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated single and double residential units. The proposal complies.

Zoning - the lands are zoned "C" District, which permits the proposed development. The proposal complies.

Niagara Escarpment - the lands are not within the Development Control Area; therefore the regulations do not apply.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs;
Ministry of Transportation;
Ministry of the Environment (subject to standard conditions);
Ministry of Natural Resources;
Ministry of Culture and Communications;
Hamilton Region Conservation Authority;
Ontario Hydro, Union Gas, Bell Telephone;
City Traffic Department;
City Building Department.

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

- "1. It is recommended that this development be co-ordinated with the "South Hill" development to the south to ensure that Street "A" in both developments are in alignment (centreline to centreline).
2. The owner must enter into subdivision agreements with both the City of Hamilton and the Region, prior to the development of any portion of these lands.
3. The submitted plan as prepared by Ashenhurst Nouwens Limited and dated October 18, 1988, is satisfactory to the Department of Engineering, subject to the above-noted comments and recommendations.

For Your Information

1. The development may be serviced for storm and sanitary sewers and watermains from existing Regional services on Rymal Road.
2. It is desirable that access to Lots 1 and 6 be from Street "A" only, and will be dealt with through the subdivision agreement.
3. The status of the right of way to the west limits of these lands should be determined."

COMMENTS

1. The conformity of the proposal with the Official Plan and Zoning By-law is noted.
2. The requirement of the Ministry of the Environment can be implemented through the conditions of draft approval to be established by the Regional Municipality.

JLS/jd

KEY PLAN



METRIC NOTE

ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

OWNER'S CERTIFICATE

I, the undersigned, being the owner of the land shown on the plan, hereby certify that the plan is a true and correct representation of the land and that the same is in accordance with the provisions of the Act.

DATE: OCTOBER 14, 1998

SIGNED: [Signature]

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly qualified surveyor, hereby certify that the plan is a true and correct representation of the land and that the same is in accordance with the provisions of the Act.

DATE: OCTOBER 14, 1998

SIGNED: [Signature]

DRAFT PLAN OF

ABBHEY HILL FARM .PHASE 3.

BEING A PROPOSED SUBDIVISION OF PART OF LOT 4, CONCESSION 1 FORMERLY IN THE TOWNSHIP OF GLANFORD NOW IN THE CITY OF HAMILTON REGIONAL MUNICIPALITY OF HAMILTON-WESTON

REVISIONS

SCHEDULE RE-SECTION 80(2)

DATE: OCTOBER 14, 1998
DRAWING NO: 80(2)
SCALE: 1:500

ASHENHURST LIMITED

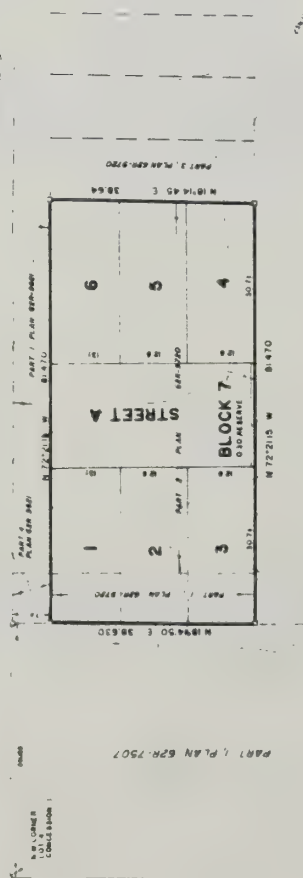
PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS

180 JAMES STREET SOUTH
HAMILTON, ONTARIO L8P 4V1

DATE: OCTOBER 14, 1998

RYMAL ROAD WEST THE KING'S HIGHWAY N° 53

ROAD ALLOWANCE BETWEEN FORMER TOWNSHIPS OF GLANFORD AND BAYTON



CONCESSION

15.

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1989 FEBRUARY 20
COMM FILE:
DEPT FILES: SA-88-25
25CDM-88011

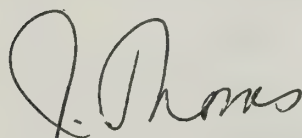
SUBJECT

Proposed Draft Plan of Condominium "Lancing Corporate Centre"

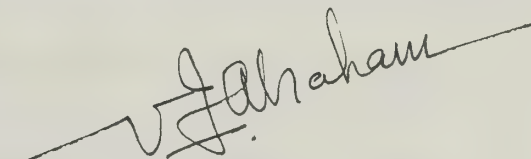
RECOMMENDATION

That approval be given to application SA-88-25 "Lancing Corporate Centre", 698675 Ontario Inc., owner, to establish a draft plan of condominium located at the south side of Lancing Drive, east of Nebo Road and north of Rymal Road East, subject to the following conditions:

- a) That this approval apply to the plan prepared by Guido Consoli Surveying Ltd., dated November 10, 1988.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

698675 Ontario Inc., c/o John Bruzzese, Hamilton, Ontario

Agent

M. L. Lamont, Hamilton, Ontario

Surveyor

Guido Consoli Surveying Ltd., Hamilton, Ontario

Location

The lands, comprising 0.52 ha, are located at the south side of Lancing Drive, east of Nebo Road and north of Rymal Road east in the Rymal Neighbourhood, in the City of Hamilton.

Proposal

The owner proposes to construct 10 units within one building as a condominium project for light industrial-business purposes.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Industrial-Business Park" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Industrial". The proposal complies.

Neighbourhood Plan - the lands are designated "Restricted Industrial". The proposal complies.

Zoning - the lands are zoned "M14" Industrial to permit the proposed use. The proposal complies.

Niagara Escarpment - the lands are not within the Development Control Area, therefore the regulations do not apply.

COMMENTS FROM CIRCULATION

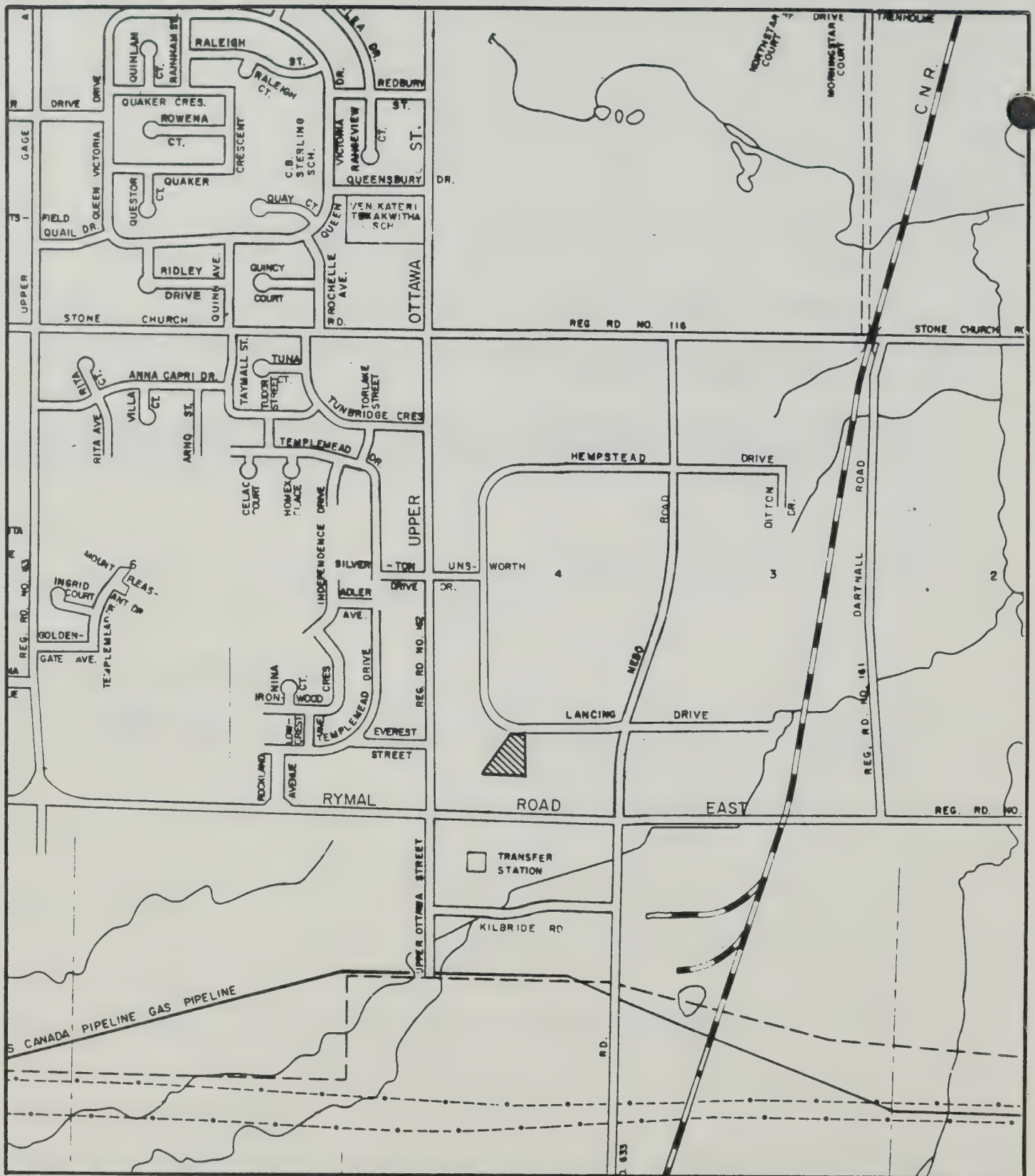
The following agencies have advised that they have no comment or objection toward the development:

Ministry of Transportation;
Hamilton Region Conservation Authority;
Union Gas, Bell Canada, Ontario Hydro;
Hamilton-Wentworth Department of Engineering.

COMMENTS

1. The conformity of the proposal with the Official Plans and Zoning By-law is noted.
2. No commenting agency has objected to the plan of condominium.
3. The land of the proposed draft plan is Lot 20 of Registered Plan M-489 as approved by Regional Council.
4. The owner received approval of a Site Plan under DA-88-21 which was approved on May 13, 1988. The draft plan of condominium conforms with the approved plan of DA-88-21.

JLS/jd



Location Plan For

LANCING CORPORATE CENTRE

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED CONDOMINIUM

North



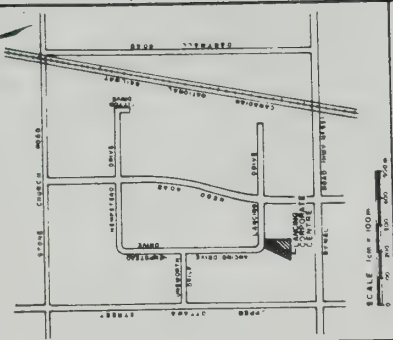
Scale
N. T. S.

Date
DEC. 5, 1988

Reference File No.
25CDM-88011

Drawing No.

LOT AREA = 32010 m²
BUILDING AREA = 1946 m², COVERAGE 30.2 %
PAVED AREA = 3090 m²
LANDSCAPED AREA = 940 m²
ZONING M-13 INDUSTRIAL DISTRICT, SECTION 17E
FRONT YARD 8.0m, SIDE YARD 8.0m, REAR YARD 19m
PARKING REQUIRED: SPACE PER 45m² 36 SPACES, 48 SPACES
LOADING SPACE REQUIRED: SPACE PER 184m² 1 SPACE PROVIDED



DRAFT PLAN OF
LANCING CORPORATE CENTRE
BEING A PROPOSED SUBDIVISION OF
LOT 20
REGISTERED PLAN 62M-489
(CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH)

SCALE = 1 250

GUIDO CONSOLI
ONTARIO LAND SURVEYOR
1988

METRIC NOTE:

METRIC NOTE:

BEARING NOTE:

BEARING NOTE:
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE
SOUTHERLY LIMIT OF LANCING DRIVE AS SHOWN ON
PROJECTED PLAN. AN 0.2M-0.09 HAVING A BEARING OF N7° 55' 40" E

ELEVATION NOTE:

ELEVATION NOTE:
ELEVATIONS SHOWN ON THIS PLAN ARE DERIVED FROM
CITY OF HAMILTON BENCH MARK NS 26-02
ELEVATION = 197.187m (GEOID TIC)

LEGEND.

LEGEND:

| | | |
|------|--------------------------|-----|
| ● | SURVEY MONUMENT FOUND | --- |
| ○ | SURVEY MONUMENT PLANTED | --- |
| BI | STANDARD IRON BAR | --- |
| IB | IRON BAR | --- |
| CC | CUT CROSS | --- |
| PLIN | REGISTERED PLAIN 62M-400 | --- |

SCHEDULE F RE: SECTION 50 (2)

| | | | |
|---|--------------------------|---|------------------------|
| A | SHOWN | G | SHOWN |
| B | SHOWN | H | MUNICIPAL WATER |
| C | SHOWN | I | CLAY LOAM |
| D | INDUSTRIAL (heavy units) | J | SHOWN |
| E | SHOWN | K | ALL MUNICIPAL SERVICES |
| F | SHOWN | L | SHOWN |

OWNER'S CERTIFICATE

WE AUTHORIZE GUIDO CONSOLI SURVEYING LTD TO PREPARE AND SUBMIT THIS CONDOMINIUM DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH PLANNING DEPARTMENT

NOVEMBER 1966
DATE

SURVEYOR'S CERTIFICATE

NOTE.

1 PORTIONS OF THE COMMON ELEMENTS INDICATED WITH THE LETTER 'A' ARE FOR THE EXCLUSIVE USE OF THE OWNER (PARKING)

2 BUILDING DIMENSIONS SHOWN ON THIS PLAN ARE TAKEN TO THE OUTSIDE FACE OF THE CONCRETE FOUNDATION

GUIDO CONSOLI
SURVEYING LTD
552 JACKSON ST E. HAMILTON ONT L8N
TEL (416) 221-1535

FOR ACTION

16.

REPORT TO: SUSAN REEDER SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DA
COI
DEPT FILE: DA-88-122
(DA-88-55)
Lisgar
Neighbourhood

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

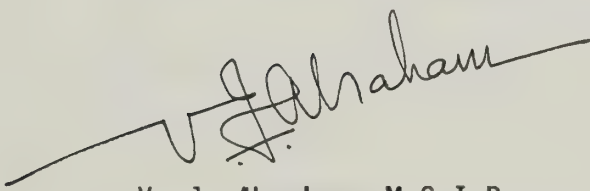
SUBJECT:

Site Plan Control Application DA-88-122 for a pylon sign at 1221 Limeridge Road East, (Landown Shopping Centre).

RECOMMENDATION

That Site Plan Control Application DA-88-122 by Landown Shopping Centres, owners of lands known as 1221 Limeridge Road East for a pylon sign be denied for the following reason.

- i) the pylon sign would be out of character with the surrounding low profile residential development and existing streetscape;
- ii) approval would set an undesirable precedent for future applications for pylon signs; and,
- iii) it is contrary to the intent of the Neighbourhood Shopping District which permits only a "business identification sign that is a wall sign.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

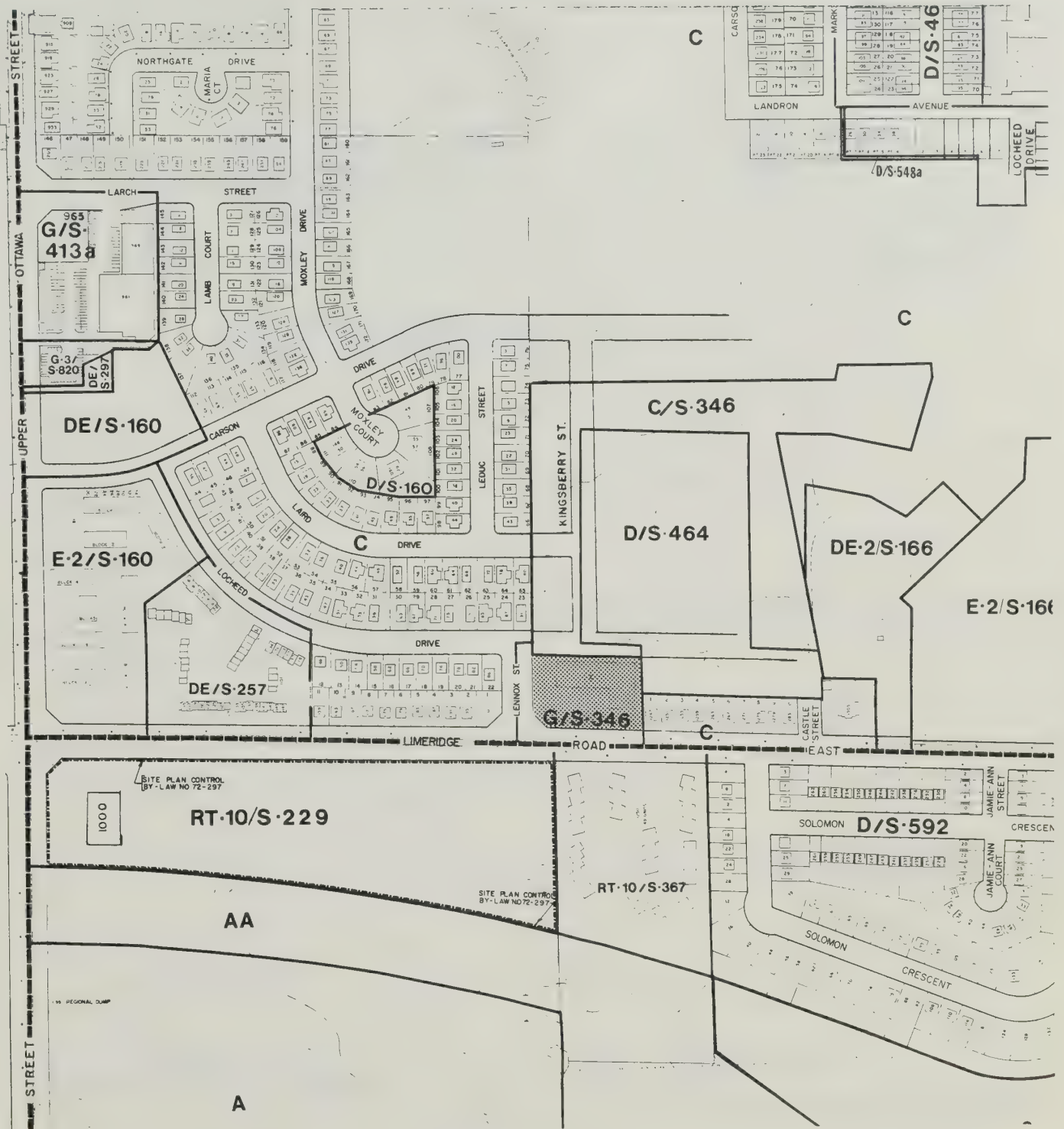
Plans have been submitted for a double face illuminated mall and tenant identification pylon sign at 1221 Limeridge Road East. The sign will be a total of 7.5 m (25 ft.) high and 2.5 m (8.1 ft.) wide. It will be located on the southwest corner of the property, 3.04 (10 ft.) from the Limeridge Road East property line and 3.04 (10 ft.) from Lennox Street property line.

CONCLUSION

This application cannot be supported for a number of reasons. The surrounding residential neighbourhood is comprised primarily of low rise residential development. Thus such an illuminated 7.5 m pylon sign would be highly visible and out of character with the neighbourhood environment. If this application is approved, an undesirable precedent would be set for future applicant for similar illuminated pylon signs along Limeridge Road East. This would be detrimental to the overall streetscape of Limeridge Road East.

A variance to the By-law would be required for the pylon sign. The lands are zoned "Neighbourhood Shopping District" which permits only wall signs for business identification. The proposed sign is therefore contrary to the intent of this zoning district.

JL/ma
WP0319P



City of Hamilton
Plan Showing
Lands Subject to
Site Plan Control
Application DA-88-122

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application

North

Scale
1:5000

Reference File No.
DA-88-122

Date
October, 1988

Drawn By
E.S.

FOR ACTION

17.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE. 1969 February 9
COMM FILE:
DEPT FILE: DA-88-126
Northend East
Neighbourhood
(DA-87-70)

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

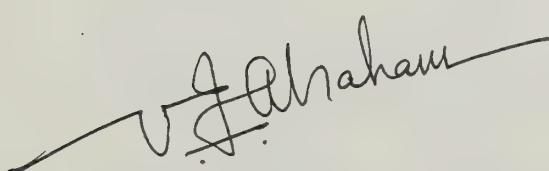
SUBJECT:

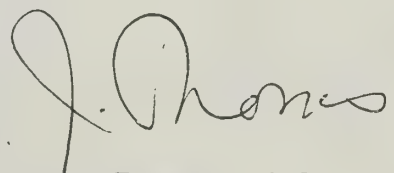
Site Plan Control Application DA-88-126 for a pylon sign at 568 James Street North.

RECOMMENDATION

That Site Plan Control Application DA-88-126 by Mr. Zygmund Cwierdzinski, owners of lands known as 568 James Street North for a pylon sign be denied for the following reasons:

- i) the pylon sign would be out of character with the surrounding low profile residential development and existing streetscape;
- ii) approval would set an undesirable precedent for future applications for pylon signs along James Street North.
- iii) it is contrary to the intent of the Neighbourhood Shopping District which permits only a business identification sign that is a wall sign.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

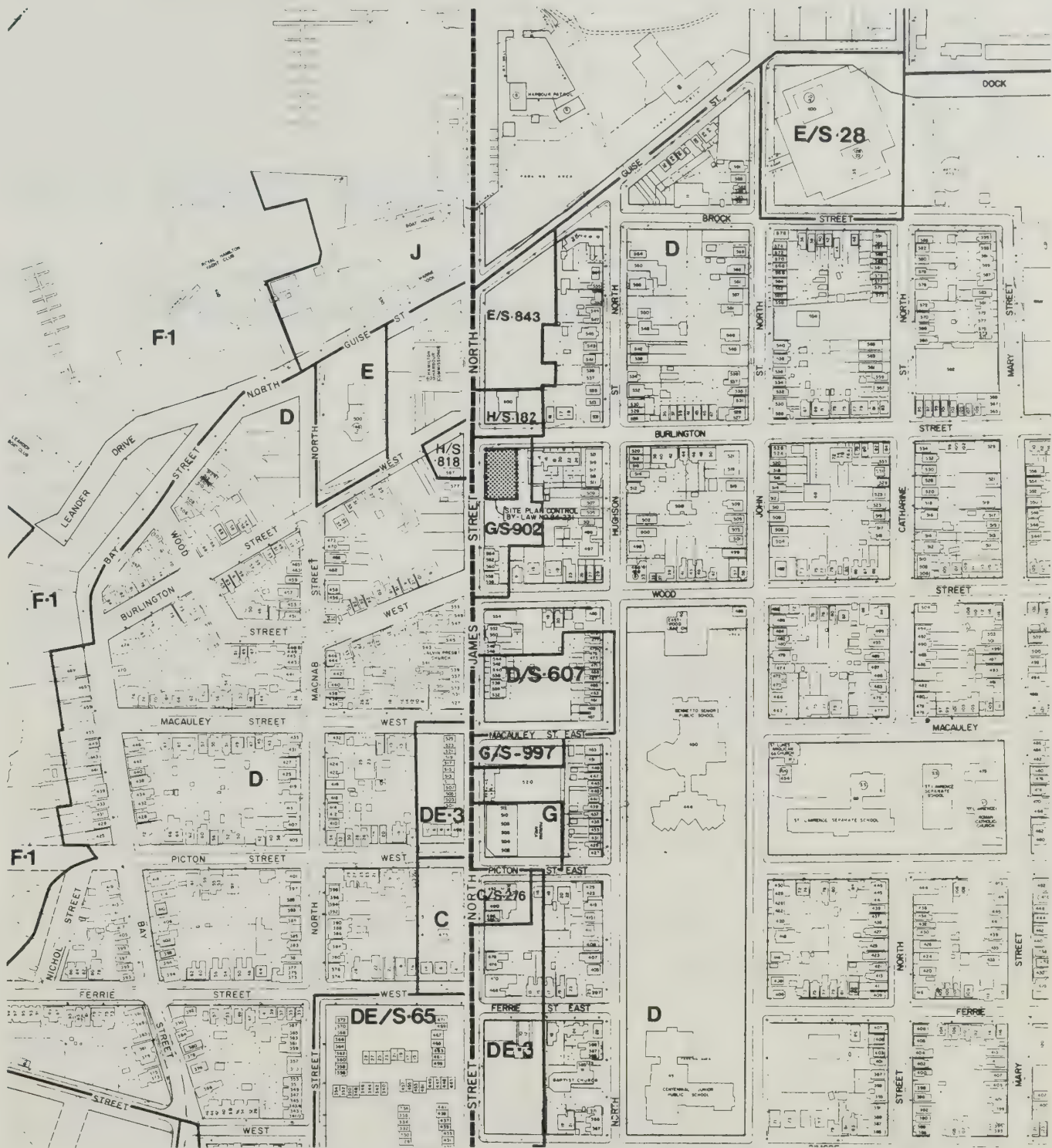
Plans have been submitted for a Tenant Identification Pylon Sign at 568 James Street North. The sign will be a total of 7.5 m (25 ft.) high and 3.0 m (10.0 ft.) wide. It will be located on the northwest corner of the property approximately 3.0 m (10' - 0") from the James Street north property line and 1.5 m (5' - 0") from Burlington Street.

CONCLUSION

This application cannot be supported for a number of reasons. The surrounding residential neighbourhood is comprised primarily of low rise development. Thus, such a 7.5 m pylon sign would be highly visible and out of character with the neighbourhood environment. The existing neighbourhood plaza is intended to primarily serve the residents of the immediate area. If this application is approved, an undesirable precedent would be set for future applications for similar pylon signs along James Street North. This would be detrimental to the overall streetscape of James Street North.

A variance to the By-law would be required for the pylon sign. The lands are zoned "Neighbourhood Shopping District" which permits only wall signs for business identification. The proposed pylon sign is therefore contrary to the intent of this zoning district.

JL/ma
WP0319P



NORTH END WEST No. 107

NORTH END EAST No. 106

City of Hamilton
Plan Showing
Lands Subject to
Site Plan Control
Application DA-88-126

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application

North



Scale
1:5000

Date
November 1988

Reference File No.
DA-88-126

Drawn By
E.S.

FOR ACTION

18.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 January 30
COMM FILE:
DEPT. FILE: ZA-88-66
Gourley
Neighbourhood

SUBJECT:

Request for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District - Property located at No. 990 West 5th Street.

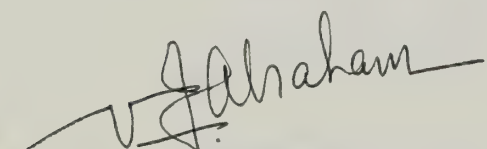
RECOMMENDATION

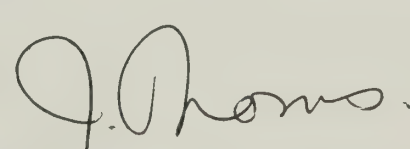
- (a) That approval be given to Zoning Application ZA-88-66, Leucio and Concetta Zoccolillo, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, property located at No. 990 West 5th Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
 - ii) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map.
 - iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at No. 990 West 5th Street as shown on the attached map.

The effect of the By-law is to permit development of the lands for single-family dwelling purposes.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Land Severance Application

At its meeting held on May 31, 1988 the Regional Land Division Committee considered an approved Land Severance Application H-101-88 to convey a 18.70 m (61.35 ft.) x 55.77 m (182.9 ft.) parcel of land, and to retain the balance of the holding (18.7 m (61.35 ft.) x 55.7 m (182.9 ft) with an existing single-family dwelling. As a condition of approval of the application, the applicant required a change in zoning to permit the single-family development.

APPLICANT

Leucio & Concetta Zoccolillo, owners

LOT SIZE AND AREA

- 37.408 m (122.72 ft.) of lot frontage on West 5th Street;
- 55.77 m (182.9 ft.) of lot depth; and,
- 2,084 m² (22,432 sq.ft.) of lot area

LAND USE AND ZONING

| | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|--------------------------|--------------------------|---|
| <u>SUBJECT LANDS</u> | single-family dwellings | "AA" (Agricultural) District |
| <u>SURROUNDING LANDS</u> | | |
| to the north | single-family dwellings | "B" (Suburban Agriculture & Residential, etc.) District |
| to the east | vacant | "AA" (Agricultural) District, but recently rezoned (subject to O.M.B. approval) to "G-1" (Designed Shopping Centre, etc.) District |
| to the west | single-family dwellings | "AA" (Agricultural) District and "B-1" (Suburban Agriculture & Residential, etc.) District |

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential development on the approved Gourley Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department, Traffic Department, Hamilton Region Conservation Authority, The Local Architectural Conservation Advisory Committee Staff have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains are available to service the subject lands. Separate storm and sanitary sewers are presently under construction on West 5th Street, abutting the subject lands. For the information of the applicant, we will require that a 2.134 m (7 feet) road allowance widening be dedicated to the Region to establish the property line 15.24 m (50 feet) from the centreline of the original West 5th Street road allowance. This can be dealt with through a severance.

Any works within the West 5th Street road allowance, as widened, with any change in access or new access to West 5th Street requires an access approval. The applicant should contact the City Public Works Department for the length and diameter of any culvert pipe".

COMMENTS

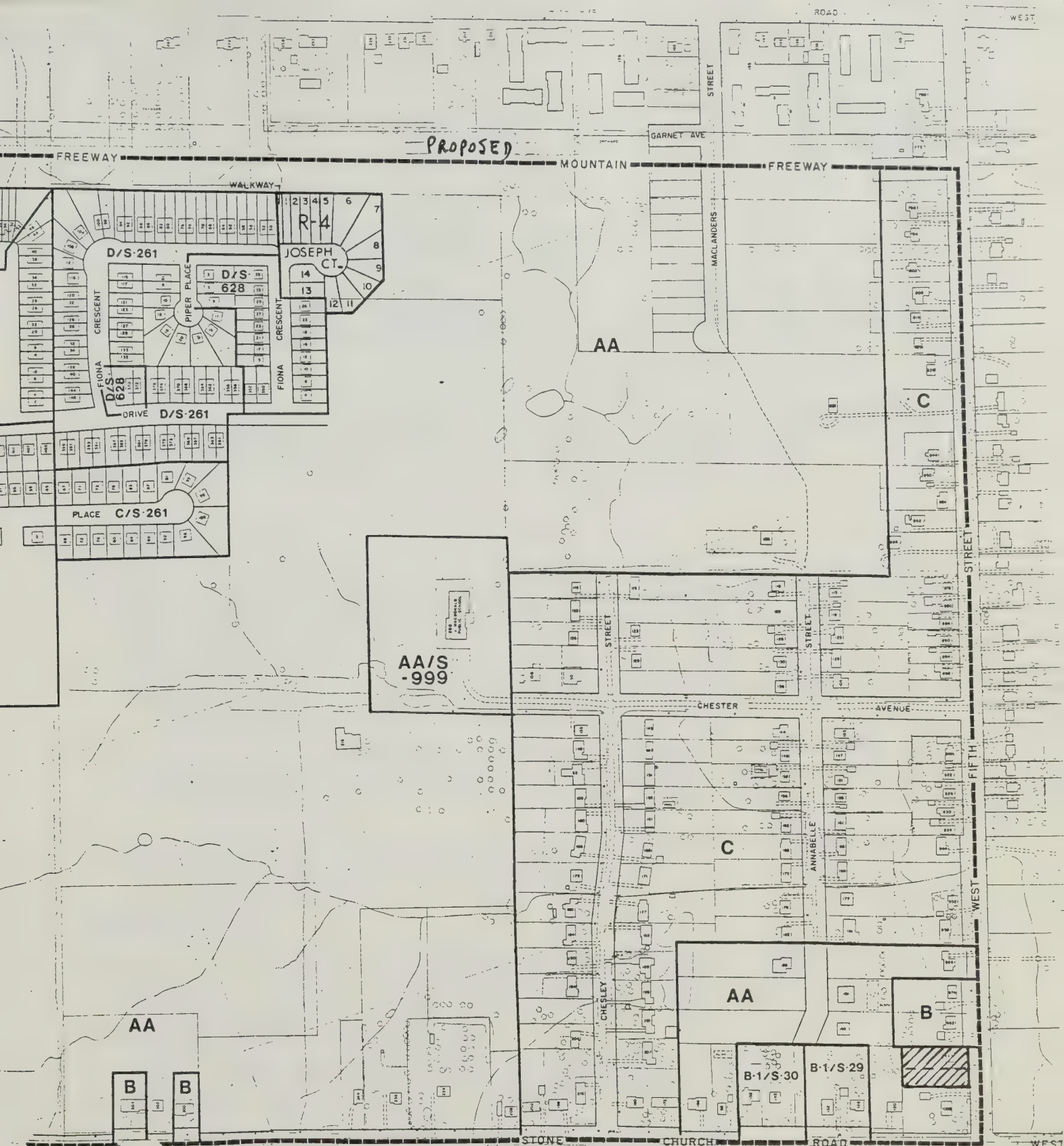
1. The proposal complies with the Official Plan.
2. The proposal complies with the approved Gourley Neighbourhood Plan.
3. The proposal can be supported for the following reasons:
 - i) it implements the Official Plan;
 - ii) it implements the intent of the approved Gourley Neighbourhood Plan;
 - iii) it is compatible with existing and future development contemplated in the area and will not interfere with the orderly development of the neighbourhood;
 - iv) it implements the conditions of land severance set out by the Regional Land Division Committee.

4. The conditions as set out by the Engineering Department will be satisfied at the final stages of the land severance application.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW/ma
WP0136P



LEGEND.

 SITE OF THE APPLICATION.

F O R A C T I O N

19.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 January 20
COMM FILE:
DEPT. FILE: ZA-88-102

SUBJECT:

Request for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for the rear part of property located at No. 1296 Upper Gage Avenue.

RECOMMENDATION

That approval be given to Zoning Application 88-102, Robert Beatty, owner, for a change in zoning of the rear part of property located at No. 1296 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38C for presentation to City Council;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at the rear of No. 1296 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the rear portion of lands fronting onto Rexford Drive to be developed for single-family dwelling use.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Land Severance Application

On November 1, 1988, the Regional Land Division Committee considered and approved a severance of the rear portion of the lands located at No. 1294 Upper Gage Avenue to create a new 15.24 m (50.0 ft.) x 45.72 m (150.0 ft) single family building lot fronting onto Rexford Drive. The land severance application was approved on the condition that the rear portion be rezoned to an appropriate residential category.

APPLICANT

Robert Beatty, owner.

LOT SIZE AND AREA

- 15.24 m (50.0 ft.) of lot frontage on Upper Gage Avenue;
- 92.35 m (303.0 ft.) of lot depth; and,
- 1,407.44 m² (15,150 sq.ft.) of lot area.

LAND USE AND ZONING

| | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|--------------------------|---|--|
| <u>SUBJECT LANDS</u> | Single-family dwelling and vacant lands | "C" (Urban Protected Residential, etc.) District |
| <u>SURROUNDING LANDS</u> | | |
| to the north | Vacant lands, single-family dwellings and townhouses | "C" (Urban Protected Residential, etc. District and "DE-3" (Multiple Dwellings) District |
| to the south | Small lot single-family dwellings | "R4" (Small Lot Single Family Detached) District |
| to the east | Single-family dwellings | "C" (Urban Protected Residential, etc.) District |
| to the west | Single family dwellings | "C" (Urban Protected Residential etc.) District |

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential use on the approved Randall Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department, Traffic Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee have no comments or objection.
- The Hamilton-Wentworth Engineering Department has advises that:
"...public watermains, as well as sanitary and storm sewers are available to service the subject lands.

The designated road allowance width of Upper Gage Avenue is 36.58 m (120 feet). In accordance with this designation, we advise the applicant of a future road allowance widening sufficient to establish the property line 18.29 m (60 feet) from the centreline of construction on Upper Gage Avenue as shown on Plan 3535 (M.T.O.).

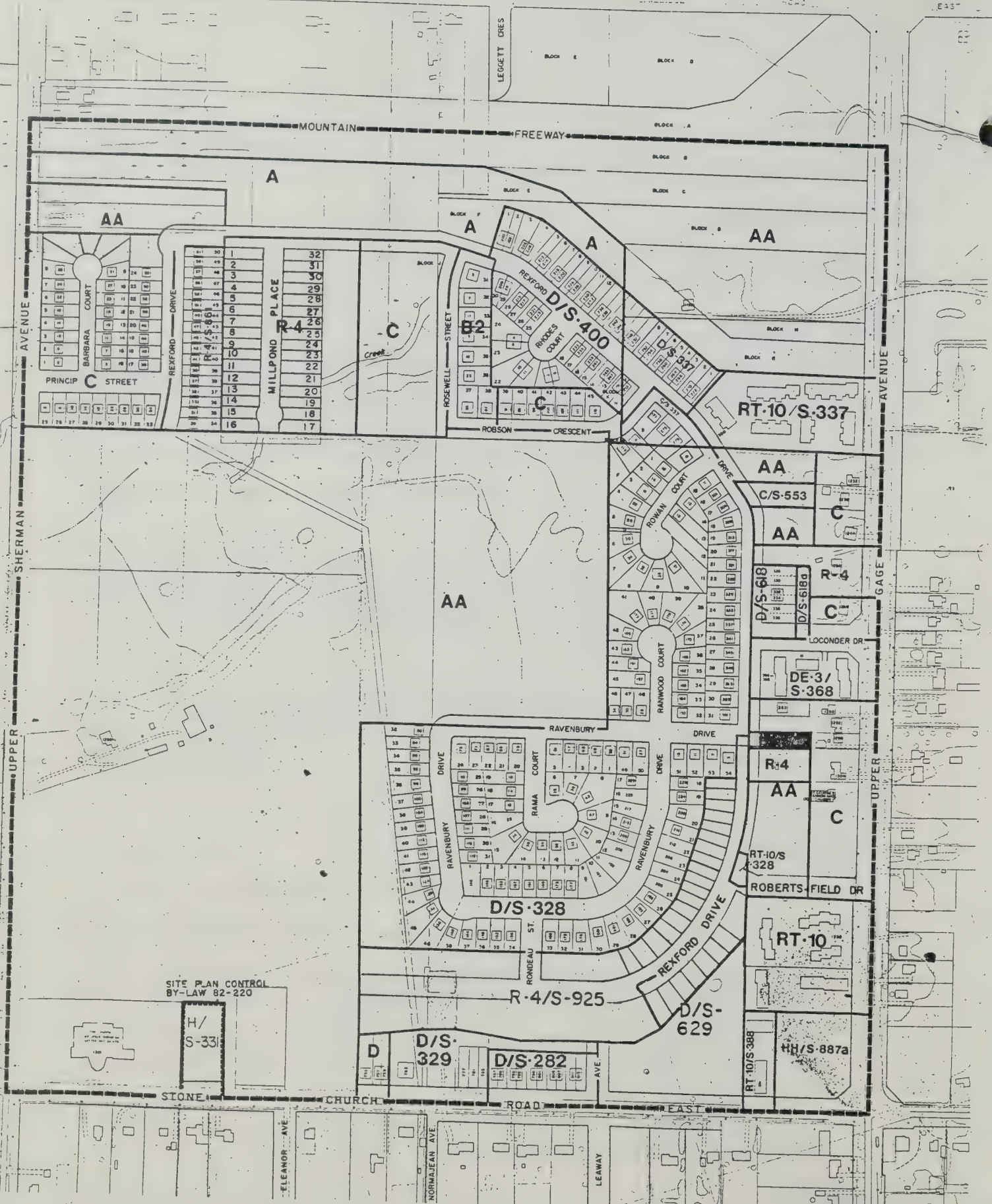
In conjunction with this application, the applicant has also submitted Land Severance Application H-177-88. The recovery of all outstanding service costs and the lifting of one foot reserves should be a condition of severance or rezoning approval".

COMMENTS


1. The proposal complies with the Official Plan.
2. The proposal complies with the approved Randall Neighbourhood Plan.
3. The proposal can be supported for the following reasons:
 - the proposed single-family development would be compatible with existing and future residential development in the surrounding area;
 - the proposed single-family development represents an infill situation and as such implements the intent of both the Official Plan and the approved Randall Neighbourhood Plan.
 - the proposed lot has sufficient lot frontage and area to meet the requested "C" District regulations.

CONCLUSION

On the basis of the foregoing, the application can be supported.



LEGEND.

 SITE OF THE APPLICATION.

FOR ACTION

20.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 February 22
COMM FILE:
DEPT. FILE: ZA-88-108
Hannon South
Neighbourhood

SUBJECT:

Request for changes and modification in zoning - No. 1360 Rymal Road East.

RECOMMENDATION

That approval be given to Zoning Application 88-108, Russell and Carol Prosje, owners and prospective owners, to establish changes in zoning from "M-13" (Prestige Industrial) District (Block 1) and "M-14" (Prestige Industrial) District (Block 2) to "M-11" (Prestige-Industrial) District modified, and for a modification to the established "M-11" (Prestige Industrial) District regulations (Block 3), applicable to property located at No. 1360 Rymal Road East (and rear of), as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the lands described as Block 1 be rezoned from "M-13" (Prestige Industrial) District to "M-11" (Prestige Industrial) District;
- ii) That the lands described as Block 2 be rezoned from "M-14" (Prestige Industrial) District to "M-11" (Prestige Industrial) District;
- iii) That the "M-11" (Prestige Industrial) District regulations as contained in Section 17C of Zoning By-law No. 6593 applicable to the lands described as Blocks 1, 2 and 3 be modified to include the following variances as special provisions:
 - a) That Section 4.(3)(a) of By-law No. 6593 shall not apply.
 - b) That notwithstanding Section 17C(1) of By-law No. 6593, the following uses shall also be permitted:

1. Residential

The existing single-family dwelling and accessory private garage.

2.

Commercial Use

Motor Home and Travel
Trailer Dealers

S.I.C.
Identification

6321

- c) That notwithstanding Section 17C(2)(h)2 of By-law No. 6593 a split rail fence not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the entire westerly lot line, except for any area used for an access driveway;
- d) That notwithstanding Section 17C(2)(h)4 of By-law No. 6593 the total area used for outside storage/display for the use specified in Section b)2 above, shall not exceed 55% of the lot area;
- e) That a landscaped area having a minimum width of 6.0 m shall be provided and maintained along the entire westerly side lot line, except the land on which the existing building is situated and any area used for an access driveway;
- iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Map E-69E be notated S- ;
- v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-69E for presentation to City Council;
- vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- vii) That the Mountain Industrial Area Plan be amended by redesignating Blocks 1 and 2 from "Restricted Industrial/Commercial" to "Restricted Commercial".

EXPLANATORY NOTE

The purpose of the By-law is to provide for the following changes in zoning for property located at No. 1360 Rymal Road East (and rear of), as shown on the attached map marked as APPENDIX "A" on the following basis:

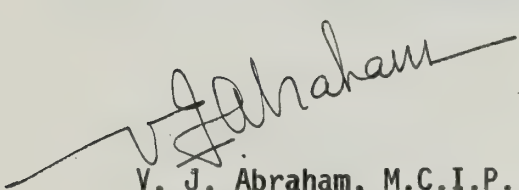
- Block 1 - change from "M-13" (Prestige Industrial) District to "M-11" (Prestige Industrial) District, modified.
- Block 2 - change from "M-14" (Prestige Industrial) District to "M-11" (Prestige Industrial) District, modified.
- Block 3 - modification to the established "M-11" (Prestige Industrial) District.

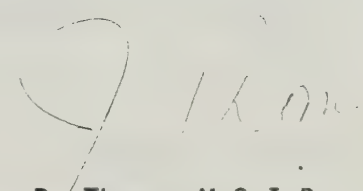
The effect of the By-law is to permit the existing single-family dwelling and accessory private garage, and to allow the use and expansion of the subject lands for a motor home and travel trailer dealership.

In addition, the By-law provides for the following variances as special requirements:

- to permit two principal uses (i.e. single-family dwelling and motor home/travel trailer dealership) on the same lot or tract of land, whereas only one use is permitted;

- to require a landscaped area having a minimum width of 6.0 m to be provided and maintained along the entire westerly side yard, except for the land on which the existing building is situated and any area used for access driveway(s);
- to allow a split rail fence having a height of not less than 1.2 m and not greater than 2.0 m to be provided and maintained along the westerly side lot line, whereas a 1.5 m to 3.0 m high visual barrier is required;
- to permit an outside storage/display area for motor homes and travel trailers having a maximum of 55% of the lot area, whereas a maximum of 5% is permitted.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

It is the applicants intention to have the established legal non-conforming Motor Home and Travel Trailer Dealership recognized as an M-11 use. In addition, the applicant intends to acquire and rezone adjoining lands to the south currently owned by the Region, thereby facilitating expansion of the business onto these lands for the purpose of outdoor storage/display. The applicants have entered into an offer to purchase with the Region which contains a condition that the applicant apply for and receive the necessary zoning approvals from the City of Hamilton. Expansion plans involve the construction of a 371.6 m² (4,000 sq.ft.) addition to the service building for additional parts accessories and service facilities. The outside storage and display area is expected to cover approximately 55% of the total lot area while the existing house, propane filling station and service building will occupy the remaining lot area.

APPLICANT

Russell and Carol Prosje, owners and prospective owners.

LOT SIZE AND AREA

Block 1 and 2

- 39.027 m (128.04 ft.) of lot frontage on the proposed extension of Dartnall Road south of Rymal Road East;
- 122.59 m (402.20 ft.) of lot depth (average); and,
- 0.489 ha (1.21 ac) of lot area;

Block 3

- 40.23 m (132.0 ft.) of lot frontage on Rymal Road East;
- 100.58 m (330.0 ft.) of flankage along the proposed extension of Dartnall Road; and,
- 0.404 ha (1.0 ac) of lot area.

Total Combined lot area

0.893 ha (2.21 ac)

LAND USE AND ZONING

| | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|--------------------------|--|--|
| <u>SUBJECT LANDS</u> | | |
| Blocks 1 & 2 | Vacant | Block 1 - "M-13" (Prestige Industrial) District Block 2 - "M-14" (Prestige Industrial) District |
| Block 3 | Single-family dwelling, Motor Home and Travel Trailer Dealership | "M-11" (Prestige Industrial) District |
| <u>SURROUNDING LANDS</u> | | |
| to the north | Commercial and Vacant land | "M-11" (Prestige Industrial) District |
| to the south | Vacant land | "M-13" & "M-14" (Prestige Industrial) District |
| to the east | 3 dwellings and service industrial uses | "M-11" (Prestige Industrial) District |
| to the west | Vacant land | "M-11" & "M-14" (Prestige Industrial) District |

OFFICIAL PLAN

The subject lands are designated "Commercial" on Schedule "A" - Land Use Concept of the Official Plan. In this regard, the following policy, among others, applies:

"A.2.2.16 While it is intended that any Commercial use be permitted within the EXTENDED COMMERCIAL category, it is also intended that retail uses requiring large enclosed or open storage areas such as, but not limited to, building supplies, warehouse outlets, catalogue stores serving domestic consumers, automotive sales, or other uses whose special nature or requirements of size, site and/or buildings are not conducive to location within ribbon commercial areas or shopping centres, be located within areas of similar large-scale Highway Commercial uses."

The proposal complies with the intent of the Plan.

NEIGHBOURHOOD PLAN

Designated "Restricted Industrial/Commercial" and "Restricted Commercial" on the approved Mountain Industrial Area Plan. The proposal would require redesignation of Blocks 1 & 2 from "Restricted Industrial/Commercial" to "Restricted Commercial".

COMMENTS RECEIVED

- The Building Department has advised that:
 - "1. The proposed use is under the Standard Industrial Classification identification number 6321 (Motor Home and Travel Trailer Dealers).
 2. Section 17C.(1)(c) of Zoning By-law #6593 does not have the listing, therefore, the proposed use is not permitted in an "M-11" zoning district.
 3. The existing use located at the property known as 1360 Rymal Road East is a legally established non-conforming use (see attached copy of zoning verification)."
- The Traffic Department, Hamilton Region Conservation Authority, The Local Architectural Conservation Advisory Committee Staff and TransCanada Pipelines have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains and separate storm and sanitary sewers are available to service the subject land on Rymal Road East.

It is our understanding that the owners of land at No. 1360 Rymal Road East have submitted an offer to purchase land shown as Lot 1 on Survey Plan RB-H-350 from the Region. Also included in this offer was a dedication of lands shown as Parts 1 and 2 to the Region (Plan 62R-9651). As shown on Reference Plan 62R-9651, additional lands are required for road widening but were not included at this time due to the location of the existing house and steps. The applicant should be advised that this land will be required when the property is redeveloped".

COMMENTS

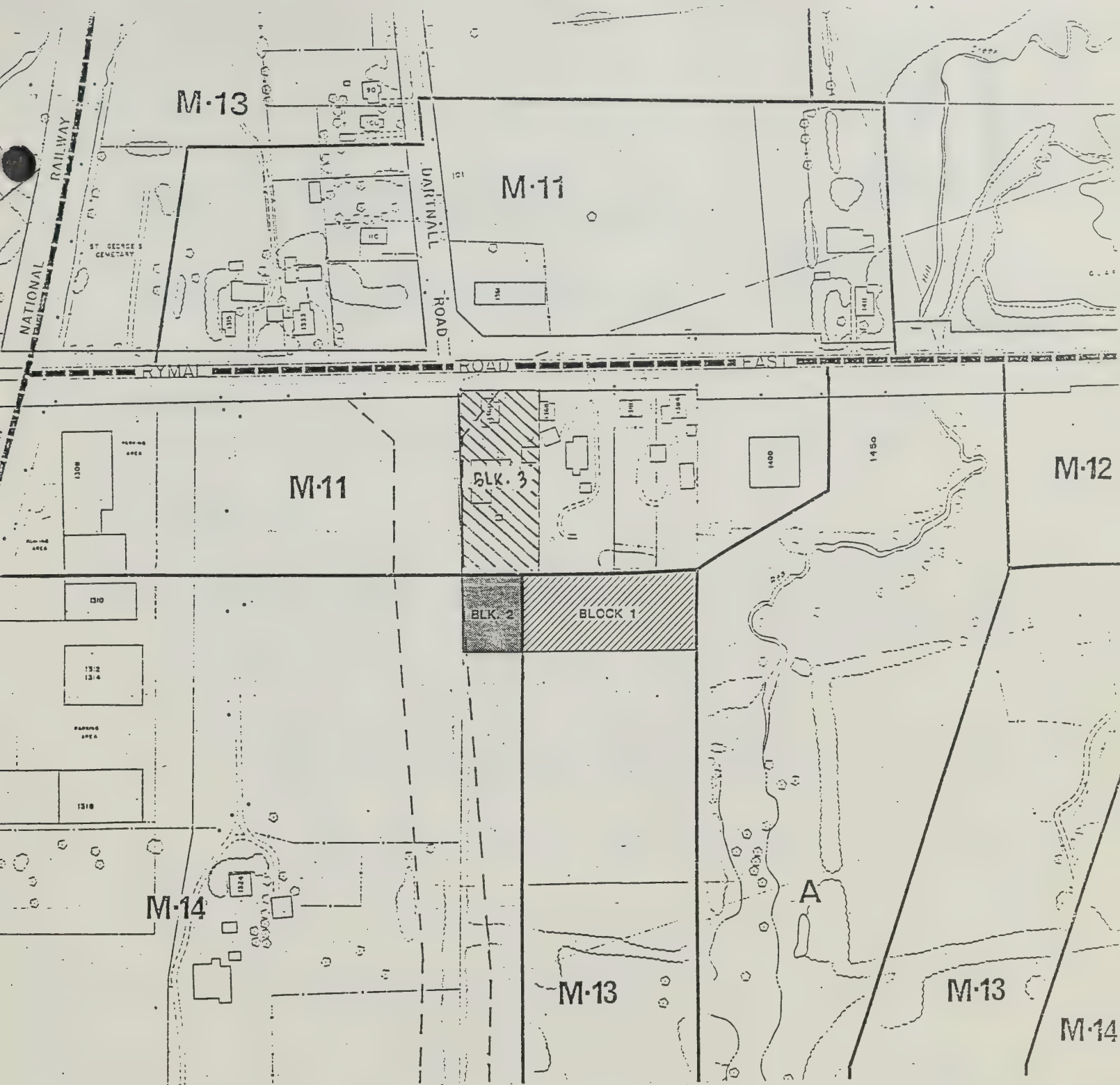
1. The proposal complies with the intent of the Official Plan.
2. The proposal would require a redesignation of Blocks 1 and 2 from "Restricted Industrial/Commercial" to "Restricted Commercial" to bring it into conformity with the approved Mountain Area Industrial Plan;
3. The proposal has merit and can be supported for the following reasons:
 - it involves the expansion of a legal non-conforming use which was established at No. 1360 Rymal Road East under the former "KK" (Restricted Heavy Industrial) District zoning;
 - it is no less feasible than other permitted uses (e.g. mobile home dealer);
 - it is suitably located on a major road (Rymal) at the future cross intersection of Dartnall Road and Rymal Road East;
 - it implements the intent of the Official Plan which permits uses that require large enclosed or open storage areas such as automotive sales;
 - it would be compatible with existing and future intended development in the surrounding area.
4. The Building Department has advised that approval of the application would involve the following variances:
 - to permit two principal uses (i.e. single-family dwelling and recreational vehicle dealership) on the same lot or tract of land (Section 4(3)(a)). As both uses are legal non-conforming and were established under the former "KK" Zoning, the variance can be supported.
 - to allow the provision of a split rail fence along the westerly side lot line, whereas a 1.5 m - 3.0 m high visual barrier is required (Section 17(C)(2)(h)2). It should be noted, that the westerly side lot line adjoins the proposed future extension of Dartnall Road. The intent of the visual barrier is to screen unsightly industrial/commercial materials and equipment from view. Considering the nature of the proposed use and its need for a high degree of exposure, the variance can be supported.
 - to permit an outdoor storage/display area to occupy 55% of the total lot area, whereas a maximum of 5% is permitted. This variance can be supported as it would be impracticable to require indoor/enclosed storage and display of motor homes and travel trailers. Furthermore, the 55% figure reflects the nature and type of operation which would be consistent with the sale and display of automobiles..
5. Section 17C(2)(f)1(ii) of the Zoning By-law requires the provision of a landscaped area having a minimum width of 6.0 m to be provided along a side yard abutting a street line. Considering that the westerly side lot line abuts the proposed extension of Dartnall Road, it would be appropriate to require the provision of the landscaped area, except for the land occupied by the existing building and any future access driveways.

6. The "M-11" (Prestige Industrial) District is subject to Site Plan Control By-law 79-275 as amended by By-law 87-223. In this regard, the applicant is required to submit a site plan of the development for the approval of the Planning and Development Committee. Matters related to landscaping, grading, parking, fencing, road widenings etc., can be further reviewed at the site plan stage of development.




CONCLUSION

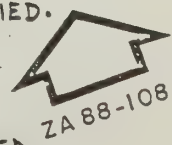
On the basis of the foregoing, the application can be supported.

GW/ma
WP0136P



LEGEND

- BLOCK 1  CHANGE IN ZONING FROM "M-13" (PRESTIGE INDUSTRIAL) DISTRICT TO "M-11" (PRESTIGE INDUSTRIAL) DISTRICT, MODIFIED.
- BLOCK 2  CHANGE IN ZONING FROM "M-14" (PRESTIGE INDUSTRIAL) DISTRICT TO "M-11" (PRESTIGE INDUSTRIAL) DISTRICT, MODIFIED.
- BLOCK 3  MODIFICATION TO THE "M-11" (PRESTIGE INDUSTRIAL) DISTRICT REGULATIONS



FOR ACTION

21.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 February 20
COMM FILE:
DEPT. FILE: ZA-88-123
Hannon North
Neighbourhood

SUBJECT:

Request for a further modification in zoning - No. 81 Dartnall Road.

RECOMMENDATION

That approval be given to Zoning Application 88-123, Mr. E. Monkley, prospective owner, for a further modification to the established "M-13" (Prestige Industrial) District regulations to permit the installation and wiring of trailer hitches, and the assembly of light utility automobile trailers, for property located at No. 81 Dartnall Road, as shown on the attached map marked as APPENDIX "A" on the following basis:

- i) That the "M-13" (Prestige Industrial) District regulations as contained in Section 17E(1) of Zoning By-law No. 6593 as amended by By-law 85-35, applicable to the subject lands, be further amended to include the following variances as special provisions:
 1. That Section 1.(b)(ii) of By-law No. 85-35 be amended by adding after paragraph 2 the following new paragraph 3 which reads as follows:

"3. The installation and wiring of trailer hitches."
 2. That Section 1.(b)(iii) of By-law No. 85-35 be renumbered as 1.(b)(iv), and the following new Section 1.(b)(iii) be added"

(iii) INDUSTRIAL USE shall be permitted:

 1. The assembly of light utility automobile trailers.
 3. That Section 1.(c)(i) of By-law No. 85-35 be deleted and the following substituted therefore:

"(i) a planting strip not less than 6.0 m wide shall be provided and maintained abutting the full length of the northerly side lot line;"
 4. That section 1.(c)(ii) of By-law No. 85-35 be deleted and the subsequent sections appropriately renumbered.

5. That notwithstanding Section 17E(2)(b)1.(ii) of By-law No. 6593 a side yard having a minimum width of not less than 5.0 m shall be provided and maintained along the southerly side lot line.
 6. That notwithstanding Section 17E(2)(b)1.(iii) of By-law 6593 a rear yard having a depth of not less than 1.0 m shall be provided and maintained.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-862a, and that the subject lands on Zoning District Map E-69D be notated S-862a;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-69D for presentation to City Council;
 - iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

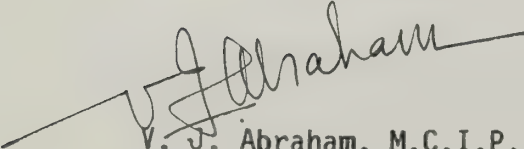
The purpose of the By-law is to provide a further modification to the "M-13" (Prestige Industrial) District provisions applicable to property at No. 81 Dartnall Road, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is permit the expansion of the existing building and the following additional uses:

- installation and wiring of trailer hitches;
- assembly of light utility automobile trailers.

In addition the By-law provides for the following variances as special requirements

- a reduction in the width of the required landscaped area abutting the full length of the northerly side lot line from 13.5 m to 6.0 m;
- to permit a minimum southerly side yard of 5.0 m, whereas 5.18 m is required;
- to permit a minimum rear yard of 1.0 m for the expansion of the existing building, whereas 7.5 m is required;
- to delete the required 7.5 m wide planting strip where it abuts the "A" (Conservation, Open Space, Park and Recreation) District adjoining the rear property line.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

● Proposed Development

The applicant has requested a further modification to the established "M-13" (Prestige Industrial) District regulations to allow the following additional uses:

- installation and wiring of trailer hitches;
- assembly of light utility automobile trailers.

Furthermore, the applicant proposes to construct a building addition of approximately 330 m² (3,546 sq. ft.) to accommodate the new uses.

● By-law 85-35

By-law 85-35 was passed by City Council on February 26, 1985. The purpose of the By-law was to provide a modification to the established "M-13" (Prestige Industrial) District regulations applicable to the subject property. The effect of the By-law was to permit the existing single-family dwelling and accessory garage, a dump truck transporting and snow removal service, and an automobile and truck repair and accessory equipment repair service within the existing building.

APPLICANT

Mr. E. Monkley, prospective owner.

LOT SIZE AND AREA

- 51.770 m (169.85 ft.) of lot frontage on Dartnall Road;
- 37.591 m (123.33 ft.) of lot depth; and,
- 1,946.34 m² (20,950.9 sq.ft.) of lot area.

LAND USE AND ZONING

| | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|----------------------|---|---|
| <u>SUBJECT LANDS</u> | trucking business/ automobile and truck repair service and a single-family dwelling | "M-13" (Prestige Industrial) Dwellings) District, modified |

SURROUNDING LANDS

| | | |
|--------------|-------------------------|---|
| to the north | Vacant | "A" (Conservation, Open Space Park & Recreation) District |
| to the south | Single-family dwellings | "M-13" (Prestige Industrial) District |
| to the east | Vacant | "A" (Conservation Open Space, Park & Recreation) District |
| to the west | Industrial | "M-13" (Prestige Industrial) District |

OFFICIAL PLAN

Designated "Industrial", the proposal complies with the intent of the Plan.

NEIGHBOURHOOD PLAN

Designates "Restricted Industrial/Commercial" on the approved Mountain Industrial Area Plan, the proposal does not conflict with the intent of the Plan.

COMMENTS RECEIVED

- The Building Department has advised that:
 - "1. The sale of utility trailers and installing and wiring of trailer hitches would be considered accessory to the retail sales. The S.I.C. number is 6321 (Motor Home and Travel Trailer Dealers). The assembly of utility trailers would be under S.I.C. number 3243 (Non-Commercial Trailer Industry). Neither of these classifications are listed in Table 4 or 5 of the "M" Districts.
 2. The proposed development requires minimum side yards of 5.18 m, a minimum rear yard of 7.5 m, and a minimum front yard of 6.0m.
 3. The proposed development does not conform to the landscaping area requirements of existing By-law 85-35".
- The Traffic Department, and Local Architectural Conservation Advisory Committee have no comments or objections:
- The Hamilton Region Conservation Authority has advised that the full authority considered the above noted rezoning application and adopted the following resolution:

"That Authority staff notify City of Hamilton Planning Department staff that the Authority has no objection to rezoning application ZA-88-123".
- The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains and separate storm and sanitary sewers are available to service the subject land.

For the information of the applicant, we will recommend, as a condition of development approval that the land shown in orange on the attached survey plan be dedicated to the Region for road widening purposes. The land shown in green is required at some of future date to establish the ultimate widening limits of Dartnall Road. Further concerns will be dealt with when a detailed site plan is submitted for our review".

COMMENTS

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Mountain Area Industrial Plan.
3. The proposal has merit and can be supported for the following reasons:
 - it represents a less innocuous type of use than the current use of the property (i.e. truck and auto repair);
 - in effect, the installation and wiring of trailer hitches is an accessory retail use, and the assembly of light utility automobile trailers is a light industrial type use. Accordingly, neither use is offensive and would have a minimal impact on the adjoining Mount Albion Conservation Area;
 - it would be compatible with existing and future intended uses in the surrounding area;
 - it implements the intent of the Official Plan and the approved Mountain Area Industrial Plan.
4. On the basis of a preliminary site plan, the Building Department has advised that approval of the application would require the following variances:
 - Side Yard

A minimum side yard width of 5.18 m is required, whereas the proposed southerly side yard is 5.0 m. This reduction is minor in nature.
 - Rear Yard

A minimum rear yard depth of 7.5 m is required (except for the existing building) whereas a 1.0 m depth is proposed for the building addition. It should be noted, that this would maintain the existing building line/setback.
 - Landscaping

A landscaped area not less than 13.5 m wide comprised of a 6.0 m planting strip is required along the northerly side lot line, whereas only a 6.0 m wide planting strip is proposed.

In addition, a minimum 7.5 m wide planting strip is required abutting the rear lot line, except for the lands on which the existing building is situated, whereas it is proposed to extend the building thereby virtually eliminating the required planting strip.

The landscaped areas and planting strips were required to reduce the potential impacts of development within the Industrial Park on the adjoining Mount Albion Conservation Area. In this regard, the Hamilton Region Conservation Authority Staff has advised that the proposed development was considered by the Full Authority and they have no objection to the subject application.

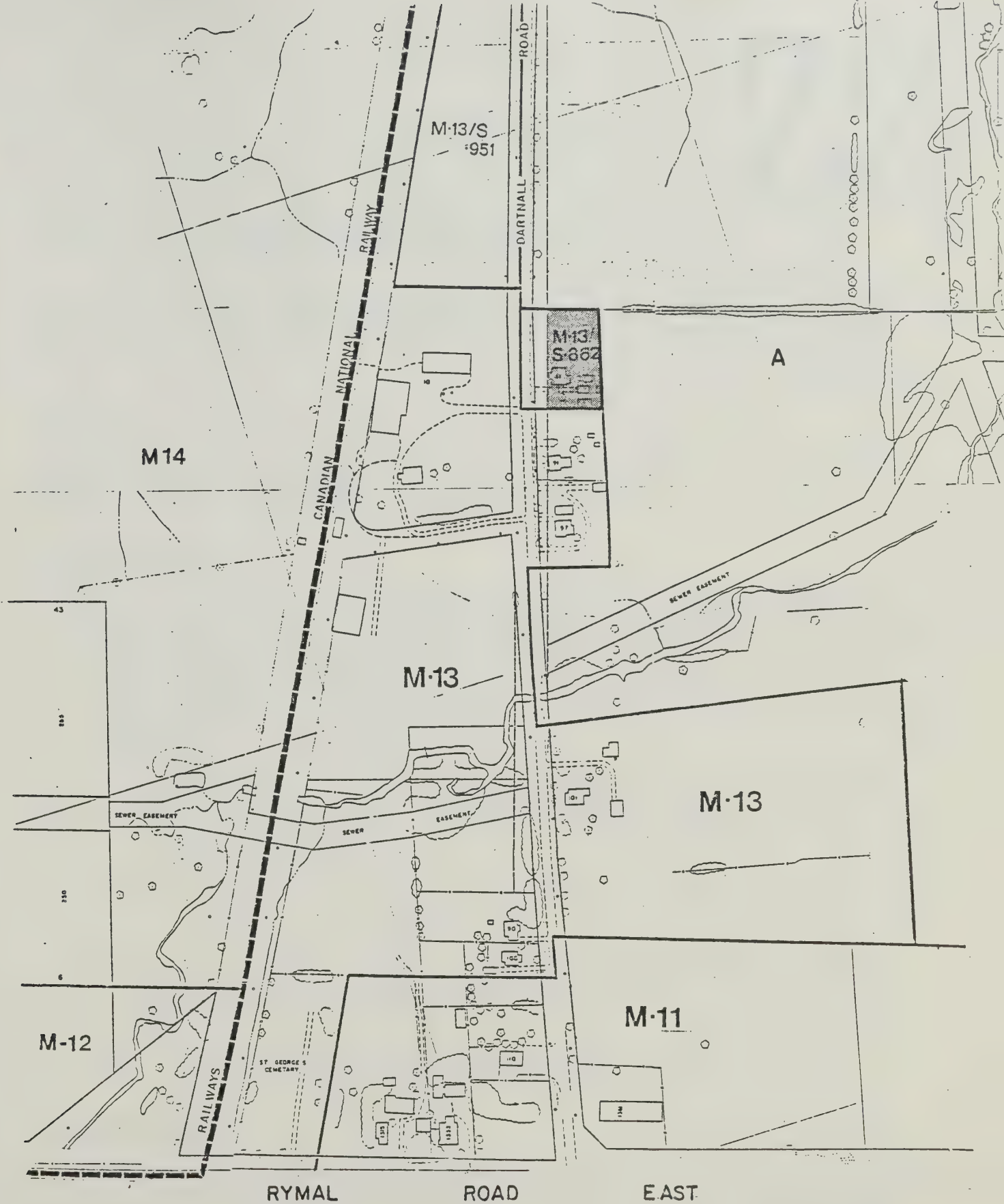
On the basis of the foregoing, the variances can be supported.

5. If approved, future development of the lands would be subject to By-law 79-275 respecting Site Plan Control, thereby allowing for the review of access, landscaping, etc. In addition, the concerns of the Hamilton-Wentworth Department of Engineering respecting road widenings could be accommodated at that time.

CONCLUSION

On the basis of the foregoing, the application can be supported.

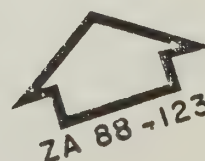
GAW/ma
WP0217P



LEGEND



SITE OF THE APPLICATION



APPENDIX A

F O R A C T I O N

22.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 February 16
COMM FILE:
DEPT. FILE: ZA-88-112
 Barnstown
 Neighbourhood

SUBJECT:

Request to delete a modification in zoning - lands located at the north-west corner of Upper Wentworth Street and Rymal Road East.

RECOMMENDATION

That approval be given to Zoning Application 88-112, Wentwal Developments Inc., owner, requesting a change in zoning from a modified "G-1" (Designed Shopping Centre) District to "G-1" (Designed Shopping Centre) District to permit additional commercial uses (i.e. restaurant, carwash, automobile service station) for land located at the north-west corner of Upper Wentworth Street and Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "G-1" (Designed Shopping Centre) District regulations as contained in Section 13A of Zoning By-law No. 6593, as amended by By-law No. 88-241, applicable to the subject lands be further modified as follows:
 - a) That Sections 2,3,4 and 5 of By-law No. 88-241 be repealed, and Section 6 be renumbered as 2.
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18D and E-18E for presentation to City Council.
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from a modified "G-1" (Designed Shopping Centre) District to "G-1" (Designed Shopping Centre) District for land located at the north-west corner of Upper Wentworth Street and Rymal Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit, in addition to the uses allowed under the existing zoning, the following commercial uses which are normally permitted in the "G-1" District:

- a restaurant or refreshment room;
- a manual car wash;
- a mechanical car wash;
- a coin-operated car wash;
- a high-speed mechanical car wash; and,
- an automobile service station.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

• Proposal

The applicant has requested the deletion of a modification to the established "G-1" (Designed Shopping Centre) District in order to permit the following additional uses:

- a restaurant or refreshment room;
- a manual car wash;
- a mechanical car wash;
- a coin-operated car wash;
- a high-speed mechanical car wash; and,
- an automobile service station.

• Zoning Application 88-12

At its meeting of July 13, 1988 the Planning and Development Committee approved Zoning Application 88-12 (contrary to staff's recommendation) which, among other things, rezoned the subject lands from the "AA" (Agricultural) District to the "G-1" (Designed Shopping Centre) District.

In addition, the Committee modified the "G-1" District zoning applicable to the subject lands to prohibit the following uses:

- a restaurant or refreshment room;
- a manual car wash;
- a mechanical car wash;
- a coin-operated car wash;
- a high-speed mechanical car wash; and,
- an automobile service station.

At its meeting of October 11, 1988 City Council passed By-law No. 88-241 which implements the foregoing.

● Zoning Application 88-24

At its meeting of September 14, 1988 the Planning and Development Committee approved Zoning Application 88-24 (contrary to staff recommendation), which rezoned the lands located opposite the subject property at the north-east corner of Rymal Road East and Upper Wentworth Street from "AA" (Agricultural) District to "G-1" (Designed Shopping Centre) District.

At its meeting of October 25, 1988 City Council passed By-law No. 88-252 which implements the foregoing resolution.

APPLICANT

Wentwal Developments Inc., owner.

LOT SIZE AND AREA

The subject property has approximately:

- 136.025 m (446.27 ft.) of frontage along Rymal Road East;
- 64.06 m (210.17 ft.) of frontage on Upper Wentworth Street; and,
- 0.8 ha (2.0 ac) of lot area.

LAND USE AND ZONING

| | <u>EXISTING LAND USE</u> | <u>EXISTING ZONING</u> |
|--------------------------|--------------------------|---|
| <u>SUBJECT LANDS</u> | Vacant | "G-1" (Designed Shopping Centre) District modified |
| <u>SURROUNDING LANDS</u> | | |
| to the north | Barn and vacant | "RT-20" (Townhouse - Maisonette) District and "E-2" (Multiple Dwellings) District |
| to the south | Single-family dwelling | "AA" (Agricultural) District |
| to the east | Vacant | "G-1" (Designed Shopping Centre) District |
| to the west | Single-family dwelling | "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District |

OFFICIAL PLAN

The subject lands are designated "COMMERCIAL" (O.P.A. 59) on Schedule "A" - Land Use Concept of the Official Plan. The proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "COMMERCIAL" in the approved Barnstown Neighbourhood Plan. The proposal complies.

RESULTS OF CIRCULARIZATION

- The following agencies have no comment or objection:
 - LACAC;
 - Hamilton Region Conservation Authority.
- The Traffic Department has advised as follows:

"...please be advised that we have reviewed the above-noted application and find it satisfactory. The applicant should however be advised that, as a result of future channelization at the intersection of Rymal Road and Upper Wentworth Street, access may be restricted".
- The Building Department has advised as follows:

"1. A convenience store is a permitted use.

2. The proposed car wash and automobile service station are not permitted under By-law 88-241, therefore, if the car wash is permitted, please specify type".
- The Hamilton-Wentworth Department of Engineering has advised as follows:

"Be advised that public watermains are available to service the subject land. Sewers will be available in early 1989. Servicing details will be arranged through future agreements with the Region".

COMMENTS

1. The proposal complies with the Official Plan and the approved Barnstown Neighbourhood Plan.
2. Although Planning staff did not support the original application (see BACKGROUND - ZA-88-12) to rezone the subject lands to "G-1" (Designed Shopping Centre) District, the proposal has merit and can be supported for the following reasons:
 - the requested uses (i.e. restaurant, car wash, automobile service station) are normally permitted as-of-right under the "G-1" (Designed Shopping Centre) District. Considering that the lands opposite the subject property at the north-east corner of Rymal Road East and Upper Wentworth Street (see BACKGROUND - ZA-88-24) were subsequently rezoned to a "G-1" District with no restriction on permitted uses, the proposal is no less feasible; and

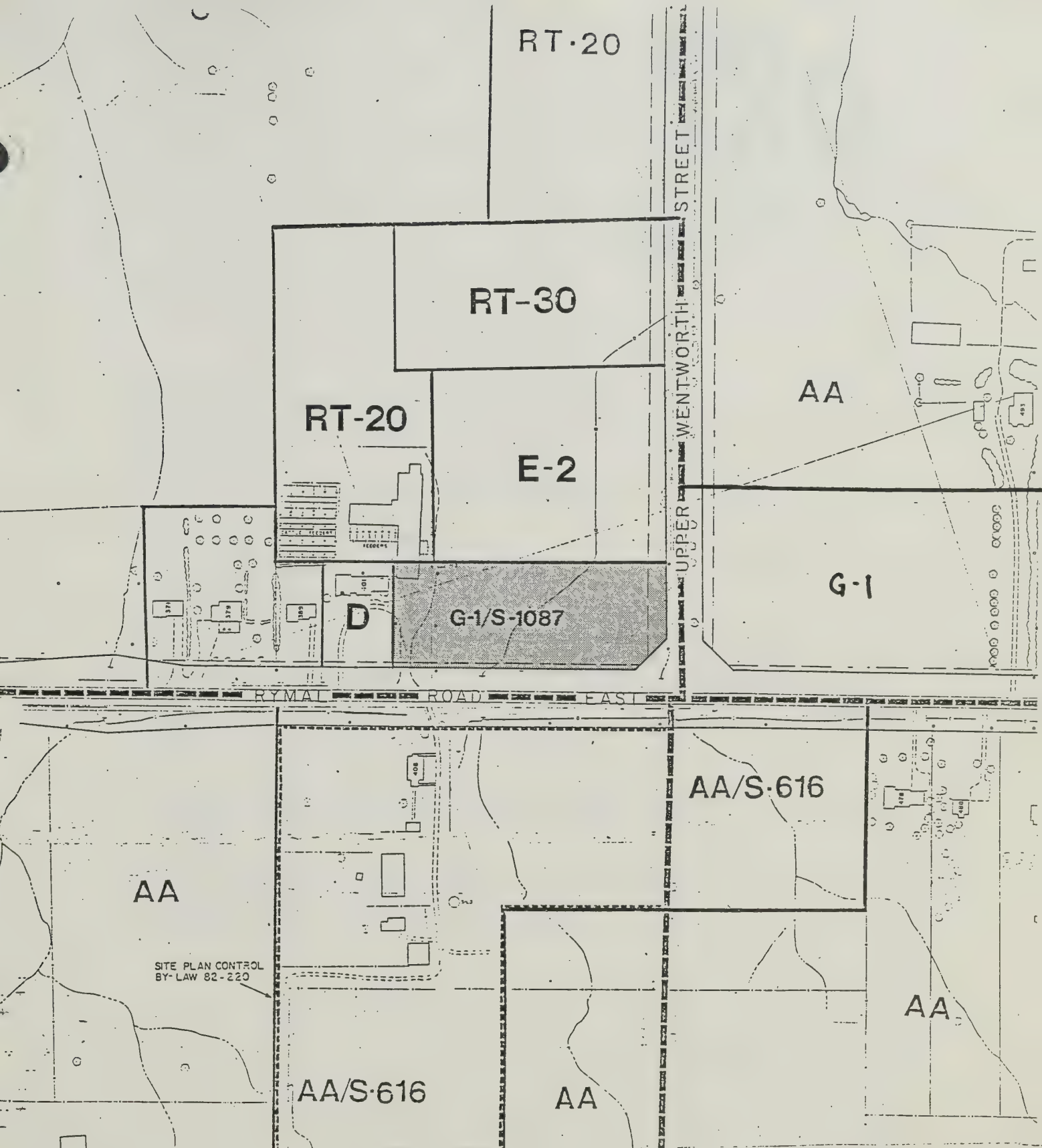
- the continued restriction on the proposed uses could be viewed as being discriminatory.
3. Future development of the subject lands would be subject to the provisions of By-law No. 79-275 respecting site plan control, thereby allowing for the review of plans including access, landscaping, etc.

CONCLUSION

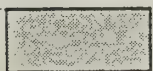
On the basis of the foregoing, the application can be supported.

PDM/ma

WP0096P



LEGEND



SITE OF THE APPLICATION



22a.

389 Rymal Rd., E.,
Hamilton, Ont.,
16/Feb./89.

Secretary,
Planning & Development Committee,
City Hall,
Hamilton, Ont.

Re Your File ZA88-112

Dear Sirs or Mesdames:

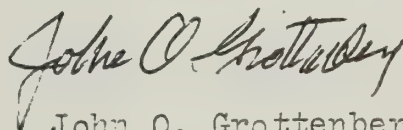
As the attached card indicates, we oppose the proposed change.

As the relevant corner is now one of the busiest corners on Rymal Rd. E., due to the popularity of the Lime Ridge Mall, I can only feel that any possibility of a Service Station and/or, a Car Wash of any kind, can only aggravate this problem to a point beyond tolerable.

I may not be able to attend the public meeting scheduled for Mar. 1st, but I wish this letter to be a part of the record.

I also ask that I be advised of any Municipal Board hearings which may be held on this matter. I will oppose this rezoning with vigour.

Respectfully,



John O. Grottenberg.

22b.

FEB 22 1989

Feb. 21, 1989,
379 Rymal Rd. E.,
Hamilton, Ont.

The Corporation of the City of Hamilton,
Planning & Development Committee,
Hamilton, Ont.

Dear Sir or Madam:

Re File #ZA-88-112

You will note on the attached form that we indicate we partially oppose the additional re-zoning. By this we mean that we are very concerned with the volume of traffic it would produce to accommodate several car wash facilities and a service station.

We are experiencing great difficulty now in exiting from our driveway on to Rymal Rd. Upper Wentworth St. has become a main artery to Lime Ridge Mall and, also, we have the proximity of Turner Park.

We would very much appreciate consideration in this regard when planning this very busy area.

Yours respectfully,

George R. Forsyth
George R. & Marjorie Forsyth

George R. & Marjorie
Forsyth

Enc.

SSP.

May 11, 1957
The Board of Directors
Hamilton, Ont.

May 11, 1957

The Corporation of the City of Hamilton,
Planning & Development Committee,
Hamilton, Ont.

Dear Sirs or Madam:

Re: W-12-57-112

The City of Hamilton has been advised that the following
proposed development is being considered for approval. It is
proposed that a new building be constructed on the site of
the existing building at the corner of the intersection of
the City of Hamilton and a private street.

The proposed development is a new building to be constructed
on the site of the existing building at the corner of the
intersection of the City of Hamilton and a private street.
The proposed development is a new building to be constructed
on the site of the existing building at the corner of the
intersection of the City of Hamilton and a private street.

The proposed development is a new building to be constructed
on the site of the existing building at the corner of the
intersection of the City of Hamilton and a private street.

Very respectfully,
[Signature]

James J. [Name]
[Address]

Enc.

ACCOPRESS® 

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| 25071 | BLACK/NOIR | BG2507 |
| 25072 | BLUE/BLEU | BU2507 |
| 25073 | R. BLUE/BLEU R. | BB2507 |
| 25074 | GREY/GRIS | BD2507 |
| 25075 | GREEN/VERT | BP2507 |
| 25077 | TANGERINE | BA2507 |
| 25078 | RED/ROUGE | BF2507 |
| 25079 | X. RED/ROUGE X. | BX2507 |

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